



**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, September 18, 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 September 18, 2023, Rental Housing Oversight Commission meeting.

Vice Chair Ani Papirian, called the regular meeting to order at 1:04 p.m. followed by a 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 July 24, 2023.

Commissioner Pamela Agustin Anguiano requested a change to the attendance on the Minutes. On motion of Commissioner Odest Riley Jr., seconded by Commissioner Clint Patterson, this item was approved as amended 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 I

3. Appeal Hearing for Case number RSQ21-09767 for subject property 953 W. 1st Street, San Pedro, CA 90731.

Due to the absence of the Appellant and Respondent for case number RSQ21-12076, on motion of Commissioner Odest T. Riley Jr., seconded by Pamela Agustin-Anguiano, this Item was taken out of sequence for lack of appellant attendance and placed first in line to be heard before the Commission 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

Shawna Wilson, Commission staff, reported that the Department and Respondent in this case were present. The appellant for this case requested to continue the hearing due to her brother being ill and unable to participate in the hearing. Ms. Wilson added that virtual and phone participation were offered to the appellant for the hearing, but these options were declined. In response to questions posed by the Commission, Brigit Greeson- Alvarez informed the Commission that it has the authority to decide if enough good cause exists to continue the hearing or to proceed with the hearing without the appellant present. John Pomaroy, County Counsel, added that the Commission could also hear the testimony of participants who are attending, then continue the remainder of the hearing to a future date to ensure the appellant has an opportunity to provide testimony before the Commission.

During discussion, in response to questions posed by the Commission, Shawna Wilson, Commission staff, confirmed that the person who filed the appeal had provided documentation referring to having the authority to appeal the Department of Consumer and Business Affairs' (DCBA) decision following the original property owners' death.

After discussion, on motion of Commissioner Clint Patterson, seconded by Commissioner Odest T. Riley Jr., the Commission approved proceeding with the hearing and continuation of the Appellants' testimony to the next available meeting 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

Tenant and Respondent Annette Barajas gave the Commission a self-introduction and introduced her husband Leo Barajas and stated she currently resides in the property on 953 W. 1st Street in San Pedro. In response questions posed by the Commission, Ms. Barajas noted that she worked with the original property owner John Vilicich prior to 2018 and had a good working relationship with him. After 2018, Ms. Barajas was instructed by the property management company to only work with them moving forward and has had issues getting repair requests fulfilled and communicating with the property management company. Ms. Barajas added that Mr. Villacich's daughter, Rosalyn Frauman, visits the property two to three times per month and Mr. Villacich's business partner works in an office below the unit. During discussion, Ms. Barajas explained to the Commission that in response to multiple questions posed to the Management Company regarding rent increases, the management company's reply was that it was entitled to raise rent as it saw fit with only a 30-day notice and did not have to give an explanation.

Ms. Ashley Ross, DCBA, gave a self-introduction and provided the Commission with a Power Point Presentation with a summary of findings. Ms. Ashley Ross stated that the department decision was issued to the landlord and tenant in July of 2022. Ms. Ross reported that the property is a fully covered property under the Rent Stabilization and Tenant Protections Ordinance (RSTPO). In response to questions posed by the Commission, Ms. Ashley Ross confirmed that landlords and management companies are only required to provide tenants with a 30-day notice for rent increase according to RSTPO. In response to further questions posed by the Commission, Ms. Ashley Ross added that she did not receive responses back to her questions by the property management company regarding its' records and did not know who Jacob Hermann was as listed on the 2021 Change of Tenancy document.

Ana Nunez, DCBA reported that the flow chart used in the original decision made on July 2022 had an error in the calculations but had been updated through September 2023. Ms. Nunez added that rent increases during the Los Angeles rent freeze were discounted on the calculations.

Ms. Ashley Ross, DCBA, noted that the violations committed by the landlord were for ordinances 8.52.045 (A) on base rent and Resolution Section VII Rent increases in Unincorporated County Prohibited,

The total amount of unlawful increases for the time period October, 2018 to September, 2023 is \$15,855.96. The current rent should be \$1198.81 and rent catch up or rent banking are not allowed.

During discussion, Ana Nunez noted that the remedy for rent overpayment is to either make one lump sum of the overpayment amount or to give rental credit over a six-month period then make a payment to the tenant on the remaining balance. If the landlord does not pay or compensate for the overpayment amount, the Department of Consumer and Business Affairs could issue a notice of violation but does not have further enforcement rights.

During further discussion, Brigit Greeson-Alvarez, County Counsel noted that although there were findings by DCBA to lower the current rent to \$1198.81, the individual Commissioners were nominated by the Board for their expertise in Housing and Tenant topics and recommendations by the Commission should not be construed as legal advice. Ms. Greeson-Alvarez further noted that moving to closed session is not an option under the Brown Act for topics discussed by the Commission.

Following discussion, on motion of Commissioner Odest T. Riley Jr., seconded by Commissioner Clint Patterson, the Commission approved continuing the hearing to receive the Appellants' testimony at the next available meeting 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

Public Comment

3a. Opportunity for members of the public to address the Commission regarding Case number RSQ21-09767.

No members of the public were present.

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

BREAK

The Commission paused the meeting for a recess at 2:34 p.m. and reconvened at 2:49 p.m.

IV. PUBLIC HEARING II

4. Appeal Hearing for Case number RSQ21-12076 for subject property 13757 Reis Street, Whittier, CA 90605.

Mr. George Cerda, DCBA, gave a self-introduction and provided the Commission with a Power Point Presentation with a summary of findings. Mr. George Cerda added that the tenants in case who were not present were Andrea Vega Gonzalez, Rosy Maria Gonzalez De Calle, and Roberto Marin Rodriguez stated that the department decision was issued to the landlord and tenant in January of 2022. In response to questions posed by the Commission, Mr. George Cerda reported that the property is a fully covered property under the Rent Stabilization and Tenant Protections Ordinance (RSTPO). He confirmed that the property is part of a multi-unit property but is not attached to the other units. He added that the lease was originally signed by Eduardo De Calle but Rosy De Calle, his wife, also lived on the property. In January 2019, following the death of Eduardo De Calle, Rosy De Calle continued to live in the property with her daughter Andrea Gonzalez Vega and her partner Roberto Marin Rodriguez with a new lease with over 42% rent increase when the legal allowable increase was 3%. Mr. George Cerda noted that throughout all the lease changes, Rosy Maria Gonzalez maintained residency in the unit and maintained her rights under RSTPO. DCBA found that the landlord violated her rights under RSTPO and therefore the department approved the application for rent adjustment for the tenant for an overpayment of rent of \$18,056.00 with lawful monthly rent is \$1,442.00. Mr. George Cerda also notified the Commission that following the DCBA Decision, the property was sold by the landlord and the tenants were paid their overpayment of rent.

Mr. Alberto Pizarro, Landlord, provided the Commission a text message that was translated and read out loud by Nyla Garcia, Cal Interpreting & Translations Inc., dated March 2022 where Andrea Vega Gonzalez noted that Rosy Maria Gonzalez was on vacation in Mexico. In response to questions posed by the Commission, Mr. George Cerda reaffirmed that regardless of Ms. Rosy Maria Gonzalez's location, there were still holdover tenants from previous leases. During discussion, Mr. Alberto Pizarro shared with the Commission that he gave Mr. Eduardo De Calle a special rate as a friend. He extended the special favor to Rosy Maria Gonzalez on a temporary basis with the understanding that the tenancy would only last one more year and that she had plans to move to Mexico but there was nothing in writing. In response to questions posed by the Commission, Mr. Alberto Pizarro stated he filed for an unlawful detainer in January 2022, but he did not provide this to the department originally. During further discussion, Commissioner Clint Patterson stated that the new lease contract does not supersede the previous contracts due to the fact that Rosy Maria De Calle had a right to live there as a holdover tenant.

In response to questions posed by the Landlord, Mr. George Cerda noted that although there is a floor and ceiling of allowable rent increases in the ordinance with a rounding tool, the maximum allowed rent increase during the rent freeze was zero percent and three percent after the rent freeze.

4a. Public Comment

Opportunity for members of the public to address the Commission regarding case number RSQ21-12076.

No members of the public were present.

After discussion, on motion of Commissioner, seconded by Commissioner Odest T. Riley Jr., the Commission made the decision to deny the Landlord's appeal and upheld the Department decision 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. MISCELLANEOUS

Matters Not Posted

- 4. 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 that the Commission can place a change of schedule for future meetings on the Agenda for discussion and possible action. During further discussion, the Commission requested that Commission staff provide a report back regarding the availability of alternative County locations for Commission meetings followed by discussion and possible action. After discussion, Shawna Wilson, staff, confirmed a quorum for the October 2, 2023 hearings. There being no further discussion or objections, this item was received and filed.

Adjournment

- 5. Adjournment for the regular meeting of July 24, 2023.
On motion of Vice Chair Ani Papirian, seconded by Commissioner Odest T. Riley Jr., there being no objections, the meeting was adjourned at 4:01 p.m.**