

**Rent Stabilization Commission
City of West Hollywood
Thursday, March 22, 2012 @ 7:00 PM
West Hollywood Park Public Meeting Room – Council Chambers
625 North San Vicente Boulevard**

Minutes

CALL TO ORDER: Chair Sanes called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE: Commissioner Thompson led the Pledge.

ROLL CALL: Commission Secretary Deborah Meadows took roll call.

PRESENT: Commissioners Chuck Henry, Eric Thompson, and Agassi Topchian, Vice Chair David Gregoire, and Chair Gail Sanes

ABSENT: None

STAFF PRESENT: Acting RSH Director Elizabeth Savage, Legal Counsel Alison Regan, Rent Stabilization Information Coordinators Clyde Ross and Chris Uszler, and Commission Secretary Deborah Meadows.

APPROVAL OF AGENDA:

Motion made by Vice Chair Gregoire and seconded by Commissioner Topchian to approve the March 22, 2012 meeting agenda. Motion approved by consensus.

APPROVAL OF MINUTES:

Motion made by Commissioner Henry and seconded by Vice Chair Gregoire to approve the February 9, 2012 meeting minutes. Motion approved by consensus.

PUBLIC COMMENTS: None

DIRECTOR'S REPORT:

Acting Director Elizabeth Savage spoke about three items that were on the March 19, 2012 City Council agenda. The first item concerned Council's adoption of Resolution 12-4282 in support of SB 1055 (Lieu) requiring landlords to accept rent payment by check or money order. The second item, submitted to the Council by Council members John Heilman and Abbe Land, concerned requesting that the State Senator and State Assembly member representing the City introduce legislation to repeal the Costa-Hawkins Rental Housing Act and the Ellis Act. This item was tabled until the April 2, 2012 Council meeting. The final item was a legislative item which would create a 3-year statute of limitations on rent overpayments which were due to a failure to file a re-registration form. This item will return to Council for a second reading on April 2, 2012 and, if approved, will become effective 30 days from that date.

Rent Stabilization Information Coordinator Chris Uszler provided additional information on the reasoning behind the new 3-year statute of limitation on rent overpayments due to a failure to file a re-registration form.

COMMISSION COMMENTS: None

APPEALS:

a. D-3603 1144 N. Vista Street, #3

Legal Counsel Alison Regan provided a case summary and analysis of the appeal as provided in the staff report. Staff recommended that the hearing examiner's decision be affirmed-in-part and reversed-in-part.

The Commission heard from Jane Hallaren, the tenant, and Peter and Brian Rubinstein, the property owners. After hearing from both parties, Chair Sanes closed the oral argument portion of the hearing.

After a public discussion among the Commission regarding the appeal, a motion was made by Vice Chair Gregoire to modify and adopt Resolution 12-398. The modified resolution affirms the hearing examiner's decision on the issues of the interior paint, the shutters, and the hardwood floors and reverses the hearing examiner's decision regarding the front door bell. The resolution adds a Finding of Fact, a Conclusion of Law, and a statement to No.2 of the Order which relate to the issue of the front door interior. Commissioner Thompson seconded the motion and a roll call vote was taken. The motion passed (5-0-0).

b. D-3614 932 N. Larrabee Street, #306

Legal Counsel Alison Regan provided a case summary and analysis of the appeal as provided in the staff report. Staff recommended that the Commission affirm the hearing examiner's decision granting a rent decrease for the elimination of the exterior canopy.

After hearing from property representatives Anthony Swainer and Robert Sturtevant, Chair Sanes closed the oral argument portion of the hearing. The respondent, Ruth Murphy, was not present.

After a public discussion among the Commission regarding the appeal, Commissioner Thompson made a motion to adopt Resolution 12-399, affirming the Hearing Examiner's decision. Commissioner Henry seconded the motion and a roll call vote was taken. The motion passed (5-0-0).

NEW BUSINESS:

- a. Proposed change to Rent Stabilization Regulation Section 30000 to extend the registration fee rebate filing period to three years.**

Rent Stabilization Information Coordinator Chris Uszler presented a staff report on proposed changes to extend the registration fee rebate filing period from one to three years. The Commission discussed the item. Commissioner Topchian directed staff to include Russian and Spanish language flyers and forms in the program information. A motion was made by Vice Chair Gregoire to adopt Resolution 12-402, a recommendation to the City Council to amend the Rent Stabilization Regulations section 30000(g) to extend the registration fee rebate filing period to three years. The motion was seconded by Commissioner Henry and a roll call vote was taken. The motion passed (5-0-0).

b. Proposed change to Rent Stabilization Regulation Section 50003(a) 30000 to extend the grace period for new owners to apply for existing exemptions.

Rent Stabilization Information Coordinator Clyde Ross presented a staff report on proposed changes to extend the grace period for new owners to apply for existing exemptions. After his presentation, and Commission discussion, a motion was made by Vice Chair Gregoire to adopt Resolution 12-403, a recommendation to the City Council to amend the Rent Stabilization Regulations section 50003(a)(2) to extend the grace period for new owners to apply for existing exemptions. The motion was seconded by Commissioner Topchian and a roll call vote was taken. The motion passed (4-1-0). Commissioner Henry, who had expressed concerns with the grace period being extended to the end of probate rather than at the point of property transfer, voted nay.

UNFINISHED BUSINESS: None

CHAIR'S REPORT: None

PUBLIC COMMENTS: None

COMMISSION COMMENTS:

Commissioner Thompson expressed his belief that one of the intentions of the Rent Stabilization Ordinance is use as a tool to assure the protection of tenants' housing services but in some instances the low valuation assigned to a housing service enables landlords to misuse it to manipulate tenancies. Commissioner Topchian added that this has long been a concern of his. Commissioner Sanes mentioned that there have been instances of manipulation of the Ordinance by both landlords and tenants and suggested that this might be a topic for a future study session.

STAFF COMMENTS: None

ADJOURNMENT:

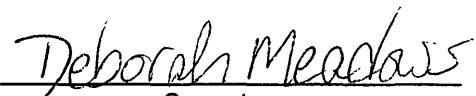
There being no further business, Chair Sanes adjourned the Rent Stabilization Commission meeting at 9:00 p.m.

These minutes were taken and submitted by Deborah Meadows, Commission Secretary.

Adopted this 12th day of April 2012

ATTEST:


H. Gail Sanes, Chair


Secretary