

**Minutes of a Special Meeting of the
Rent Review Advisory Committee
Wednesday, September 19, 2018**

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:07 P.M.

Present were: Chair Cambra; Vice Chair Murray (arrived at 7:11 p.m.);
Members Griffiths and Sullivan-Cheah

Absent: None

Program staff: Grant Eshoo, Gregory Kats

City Attorney staff: None

2. AGENDA CHANGES

a. None.

3. STAFF ANNOUNCEMENTS

a. Staff announced that the Committee's homeowner member, Milton Friedman, had tendered his resignation the day before and would no longer be on the Committee.

4. PUBLIC COMMENT, NON-AGENDA ITEMS, NO.1

a. None.

5. CONSENT CALENDAR

a. None.

6. UNFINISHED BUSINESS

a. None.

7. NEW BUSINESS

7-N. Discuss and approve amendments to the Rent Review Committee's Rules and Procedures addressing various issues, including, RRAC hearing time limits, participant's attendance or failure to appear under section 6-58.90, annual elections, and other appropriate amendments

Staff suggested the following items as a starting point for the discussion:

- Making a 45-minute time limit for each individual case scheduled to be heard, which would be inclusive, applying to the entirety of the case including testimony, procedural action, and deliberation.
- Adopting rules regarding a party's failure to appear:
 - Staff would call roll immediately before the cases set to be heard. No new cases would be initiated after 9:30PM.

- Cases where participants were not present for initial roll call would be moved to the end of the agenda. To ensure both parties did not fail to appear they would be asked to wait until their name was called again.
- Prior to adjourning the meeting staff would call roll again for all agenzized but unheard cases. If both parties were present at that time, the case would be heard if commenced prior to 9:30pm. However, if both parties were there and the case could not be commenced before 9:30pm, the case would be moved to the next hearing.
- If either party were absent at second roll call, the RRAC would make a finding as to the parties' failure to appear pursuant to section 6-58.90.
- Adjournment: Meetings should adjourn no later than 9:30 p.m. The Committee could vote to extend a hearing past this cutoff time.

Vice Chair Murray arrived and the foregoing suggestions were restated for her.

Member Griffiths said he liked most of the suggestions. He posited changing the ending time to 10:00 p.m., while not allowing the Committee to begin hearing any new cases after 9:30 p.m. He stressed the importance of adhering to a time limit for purposes of equity between cases, as well as to allow participants to know what to expect.

Members discussed how to proceed and decided that they would review staff suggestions first and then add their own suggestions.

Member Sullivan-Cheah stated that with the cases that had been heard lately an end time of 9:30 p.m. could be difficult, while under normal circumstances it could work. He suggested staff could change the bylaws to state that no new cases can be heard after 9:00 p.m. so the members could adjourn the meeting at 9:30 p.m., unless a motion was passed to extend.

The Committee members discussed the timing of agenda items. They surmised that it takes about 10-15 minutes to get through roll call and preliminary agenda items before case reviews began.

In discussing the question of a 45 minute time limit per case, Vice Chair Murray expressed concern that 45 minutes may not be enough time to have both sides state their case because sometimes their discussions can be emotionally charged. She added that members went over 45 minutes because members want to explain themselves and their decisions, as well as give parties ample opportunity to come to a mutual agreement.

Staff provided that the intent behind the 9:30 p.m. cutoff was to allow staff time to have the room vacated and cleaned up by 10:00 p.m.

Staff raised the possibility of the Committee adopting different procedures for bulk versus non-bulk submissions. Staff reminded the Committee that staff provided parties with ample time to share their perspectives and mediate prior to a RRAC hearing.

Chair Cambra suggested outlining a breakdown of how a standard case typically proceeds: five minutes for each side to present their opening statement, three minutes for opposing parties to reply, 10 minutes for questions from the Committee to the parties, five minutes to respond to the parties' presentations, and 20 minutes for deliberations among the members themselves, totaling 61 minutes. Members discussed ways of shortening the process.

Additional benefits of adopting time limits were discussed, e.g., to ensure that parties on the agenda did not have to wait all night or multiple nights for their case to be heard.

Member Sullivan-Cheah suggested adopting a time limit of one hour per case.

Staff and Committee members discussed the administrative process of receiving submissions and scheduling them for hearings. They also discussed prioritizing the agenda in different ways.

Member Griffiths stated that he thinks that an hour per case is too long.

Vice Chair Murray suggested and the members discussed that the Committee could ask the parties if they had statements in addition to what had already been submitted to try to save time. She also suggested that a Committee member summarize the main points of each side's arguments and ask if they missed anything rather than having each side present their position as if the Committee had not already read their submissions. Other members suggested that the parties' opening statements allowed them to feel they can fully express their position and was an important part of the process.

Member Griffiths suggested and the members discussed whether more time should be used for cases involving non-binding versus binding decisions.

The members outlined a new ideal breakdown of time per case. The first proposal included the following:

- Segment 1: Each party would be given three minutes to present their perspective, a Committee member would be given two minutes to reflect back to the parties, for a total of 10 minutes;
- Segment 2: Would provide the Committee 10 minutes for questions and discussion with the parties; and
- Segment 3: Would provide the Committee 20 minutes for deliberation and decision making.

The members suggested that these time limits be flexible. They questioned whether instead of allowing 10 minutes for Segment 2 and 20 minutes for Segment 3, they might want to allocate 15 minutes to each.

A second proposal was discussed wherein parties would also be given about two minutes to reply to the opening statements of the other party. This would result in each of the three segments allotted 15 minutes, or 45 minutes per case.

Member Griffiths requested that staff call roll of all parties present at beginning of each hearing, and if the parties were not present, the item be moved to the end of the agenda. He suggested that if the parties were still not present during second roll call their case would not be heard by the Committee. He requested the roll call and time limit rules discussed be presented to the Committee as two separate agenda items for a future hearing wherein the Committee could consider and vote on amending the bylaws to incorporate them.

Vice Chair Murray stated she will not be at the next hearing and is comfortable with the Committee voting on the new suggestions without her being present. Staff and Committee members affirmed that nothing would be changed in the by-laws until staff presented the proposals discussed for a Committee vote.

Chair Cambra proposed and the Committee discussed the possibility of conferencing in a member or participant via video if they were unable to attend the hearing. Two members stated that they were uncomfortable with this suggestion. Staff informed the Committee that generally, unless parties requested disability-based reasonable accommodations, they had to attend the hearings in-person.

8. PUBLIC COMMENT, NON-AGENDA ITEMS, NO. 2.
a. None.

9. MATTERS INITIATED
a. None.

10. ADJOURNMENT

The meeting adjourned at 8:39 p.m.

Respectfully Submitted,

Draft Until Approved

RRAC Secretary
Grant Eshoo