

## Rent Review Advisory Committee

### RULES AND PROCEDURES

Adopted July 7, 1997

Amended June 5 2000

Amended September 7, 2016

Amended \_\_\_\_\_

#### A. GENERAL PROVISIONS

1. These rules and procedures shall be known as "Rules and Procedures of the Rent Review Advisory Committee, City of Alameda" ("Rules and Procedures" and "Committee"). A copy of these rules and amendments thereto shall be filed in the City's Community Development Department and with the Program Administrator for examination by the public.
2. These Rules and Procedures, and any amendments thereto, shall be effective on the date of the Committee's adoption hereof and shall govern the conduct of the Committee.
3. The Committee by majority vote may amend these Rules and Procedures.

#### B. MEMBERSHIP

1. Appointment. Committee appointments shall be made as set forth in Section 2-23.2 of the Alameda Municipal Code.
2. Term of Office. Members shall serve on the Committee as set forth in Section 2-23.2 of the Alameda Municipal Code. The Chairperson and Vice-Chairperson shall serve one year terms.
3. Maintenance of Membership. During their terms of office, Committee members shall continue to serve except for:
  - a. Voluntary resignation.
  - b. Failure to attend 75% of meetings held during any 12 month period and a majority vote of the City Council to remove the member from the Committee.
  - c. Change in status from tenant to homeowner or property owner, or vice versa.

d. A member no longer being a resident of the City of Alameda.

e. A majority vote of the City Council to remove the member from the Committee unrelated to the member's attendance.

C. OFFICERS

1. The officers of the Committee shall be:

Chair: who shall preside at all meetings of the Committee, call special meetings, appoint committees, and perform other proper duties of a presiding officer. Except as otherwise authorized by the Committee, the Chair shall sign all correspondence, reports and other instruments approved by the Committee.

Vice Chair: who shall perform the duties of the Chair in the absence or incapacity of the Chair; and in case of the resignation or other permanent absence of the Chair, the Vice Chair shall perform such duties as are imposed on the Chair until such time as the Committee shall select a new Chair.

2. The Chair and Vice Chair should be elected by the Committee from its membership at the first meeting after July 1 of each year at which all Committee members are present.

3. Secretary. The Program Administrator of the City's Rent Program shall act as the Secretary of the Committee, and shall: (a) supply the members with such information and make such recommendation as deemed necessary to carry out the purposes of the Committee and to properly administer its affairs; and (b) keep a written record of all business transacted by the Committee, notify members of meetings, maintain the official records of the Committee, and perform such other duties as the Committee may direct.

4. Additional Duties. The officers of the Committee shall perform such other duties and functions as may from time to time be required by the Committee.

D. DUTIES.

In accordance with the Alameda Municipal Code, section 2-23.4, it shall be the duty

of the Committee to hold hearings in response to a request for a rent increase review. The Committee will afford the parties involved in the request the opportunity to explain their respective positions. The Committee as a whole and individual members of the Committee shall not act as an advocate of either the Landlord or the Tenant. In addition, in accordance with Alameda Municipal Code, Section 6-58.85, the Committee may, as a part of its decision making process, take into consideration any factors that may assist the Committee in determining a fair resolution concerning the Rent Increase including, but not limited to, such factors as the financial hardship to the Tenant, the frequency, amount and the presence or absence of prior Rent Increases including any Rent increases that the Landlord was prevented from noticing or imposing during the moratorium (November 5, 2015 through April 1, 2016), the Landlord's Costs of Operation including, as to historic buildings, that costs to repair or maintain may be higher than comparable costs for non-historic buildings, any increases or decreases in Housing Services since the last Rent Increase, and the Landlord's interest in earning a just and reasonable rate of return on the Landlord's property. The Committee will render a decision concerning the rent increase.

#### E. MEETINGS

1. Regular Meetings. The Committee shall meet at 6:30 p.m. on the first Monday of each month when there is business before the Committee. When the first Monday falls on a holiday, the Chair may schedule an alternate date with the goal to schedule the meeting on the Wednesday or Thursday following the holiday. In compliance with the Sunshine Ordinance, all meetings shall be open and public. An agenda will be prepared and posted seven calendar days prior to the regular meeting. If the Committee is unable to complete all the items on its agenda, it may adjourn the regular meeting to a specified date and time in order to complete the agenda items. Items so continued do not need to be re-noticed but a revised agenda will be posted seven days prior to the adjourned meeting date.
2. Special Meetings. Special meetings may be called by the Chair or by four (4) or more members if determined to be necessary for discharge of the Committee's responsibilities. The Secretary shall poll members and attempt to arrange a date and time convenient to all members. A minimum of 48 hours' notice shall be given to each member, unless members have unanimously consented to date and time of the special meeting. If all

members agree to date and time of a special meeting, the public will be given a minimum of 24 hours' notice, consistent with the Sunshine Ordinance requirements.

3. Meeting Location. Meetings shall be held in an appropriate **meeting** room located within the City.

#### 4. Case Review

##### a. Ensuring efficient time management during RRAC review

- i. First Roll Call: During meetings where there are four or more cases scheduled to be heard, staff will call roll of all parties to the cases on the agenda prior to commencement of the first case to be reviewed.
  - ii. Should either party not be present at the time of first roll call, the order of the cases to be heard will be altered to allow those present at roll call to be heard first in the order agendized.
  - iii. The cases where either party is absent at first roll call will be moved to the end of the agendized cases scheduled for review during that particular meeting, and will then be called and heard in the order in which they were agendized.
  - iv. Second Roll Call: Prior to adjourning the meeting, staff will call roll a second time for any remaining agendized but unheard cases. If both parties are present at that time, the case will be heard if commenced prior to 9:00 p.m. However, those cases where both parties are present at the second roll call but review cannot be commenced prior to 9:00 p.m. the case will be continued to the next available RRAC meeting.
  - v. Failure to Appear: If either party is absent at the second roll call, the RRAC will make a finding as to a party's failure to appear, pursuant to Section 6-58.90 of the Alameda Municipal Code.
- b. The Chair shall initiate each hearing by calling the agenda item and requesting the Secretary to read the Case Summary.
  - c. The Chair will call the name of the parties involved in the case and request the parties appear at the front of the room. Each party shall have **three minutes** to present the party's perspective and concerns.
  - d. A RRAC member will have **two minutes** to summarize each party's introductory remarks.
  - e. Each party will have **two minutes** to respond to the statements made by the other party.

- f. Individuals who have requested to speak on the item will have an opportunity to speak.
- g. The Committee will allot up to **15 minutes** to facilitate a mediation between the parties with the goal of having the parties reach an agreement.
- h. If no agreement between the parties is reached, the Committee will allot no more than **15 minutes** to shift from its role as a facilitator of mediation to its role as a decision maker on the rent increase dispute. The Chair shall poll members for recommendations concerning the rent increase.
- i. The Committee will discuss the circumstances of the rent increase and any member may make a motion concerning the amount of the rent increase and its effective date.
- j. A motion that has received at least three affirmative votes will be the decision of the Committee concerning the amount of the rent increase and its effective date.
- k. Alterations in review procedures for bulk submissions
  - i. A bulk submission shall be defined as a circumstance where a single landlord has requested five or more rent increases above 5% at different units on the same property at the same time, or about the same time.
  - ii. The landlord will be given the usual introductory time of **three minutes** to make an opening statement during the first case to be heard during that particular hearing. For subsequent cases as to the same bulk submission heard at the same meeting, that landlord will be given only **one minute** to make additional opening statements, unless either the tenant(s) or Committee unanimously requests the landlord be given additional time.
  - iii. A RRAC member will be give **two minutes** to summarize the landlord's first opening statement, and **one minute** to summarize any subsequent opening statement by the landlord during that particular meeting.
- l. In the interest of efficient time management and ensuring as many cases are heard in a single meeting as possible, while giving due consideration to each matter, the Committee may by motion suspend the rules related to Case Review.

5. Adjournment. Meetings shall adjourn no later than 9:30 p.m. The Committee may extend the meeting beyond 9:30 p.m., but may not initiate review of any new case after 9:00 p.m., consistent with Section 4(a)(iv) of

these Rules & Procedures.

F. AGENDA. The Chair shall be responsible for the agenda in consultation with the Secretary.

1. Call to Order and Roll Call
2. Agenda Changes
3. Staff Announcements
4. Public Comment, Non-Agenda, No. 1
5. Consent Calendar (including Minutes)
6. Unfinished Business
7. New Business
8. Public Comment, Non-Agenda, No. 2
9. Matters Initiated (Committee or staff may address briefly any matter not on the agenda and Committee members may initiate matters to be placed on a future agenda if there is a majority support to do so)
10. Adjournment

G. MINUTES

1. General Policy Statement on Minutes of Meeting. It is the general policy of the Committee to prepare draft minutes of the Committee's meeting. These minutes will include the names of speakers on agenda items and a summary of the speaker's comments. Minutes must be finalized and adopted by the majority of Committee members in order to be regarded as an official record of the Committee. A Committee member who was not present at a meeting may nevertheless vote on approval of the minutes if the member has reviewed the audio tape of the meeting.
2. Public Comment. Any member of the public during Public Comment may comment on any item that is not on the agenda but is within the subject matter jurisdiction of the Committee. The Committee shall take no action or

respond to such comments other than to refer the matter to staff for a response or to place the item on a future agenda.

3. Method of Documentation. Audio recordings and approved minutes of the Committee's meetings shall be retained as provided in the Sunshine Ordinance.

#### H. RULES OF ORDER

The following definitions and rules shall govern the proceedings and order of business of the Committee:

1. Items listed under the "Consent Calendar" are considered routine and will be enacted, approved, or adopted by one motion, unless a request for removal for discussion or explanation is received from Committee or a member of the public.
2. Prior to public discussion or Committee deliberation, the Chair or other person designated thereby shall describe the item or business before the Committee.
3. Public Discussion.
  - a. Permission. Any person addressing the Committee shall secure the permission of the Chair.
  - b. Not a Debate. Public comments should not be used to elicit a debate between Committee members and the public. Speakers should not be interrupted unless they are out of order.
  - c. Time Limits. Except as provided otherwise in these Rules and Procedures, generally no one shall speak for more than three (3) minutes without permission of the Chair. At the start of the meeting, the Chair may set time limits for speakers that are less than three minutes.

- d. Pending Motion. When a motion is pending before the Committee, no person other than a Committee member shall address the Committee without first securing the permission of the Chair to do so.
  - e. Public Discussion. Public comment shall precede Committee deliberation.
  - f. No Further Discussion. No discussion shall be permitted without the approval of the Chair after a motion which would terminate further deliberation has been adopted.
4. Committee Deliberation.
- a. Presiding Officer May Deliberate. The Chair may deliberate subject only to such limitations of deliberation as are by these Rules and Procedures imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Committee by reason of his or her acting as Chair.
  - b. Conflict of Interest. In situations where there is a financial conflict of interest or other situations in which a Committee member does not believe he/she can be impartial, a member is required to abstain from voting on the item and participating in the decision-making process. The following procedures should be followed:
    - i. Declare the conflict of interest.
    - ii. State the basis of the conflict of interest.
    - iii. Leave the dais and the meeting room.
    - iv. Do not discuss or vote on the matter.
  - c. Getting the Floor - Improper References to be Avoided. Every member desiring to speak shall address the Chair, and upon recognition by the Chair, shall confine himself or herself to the questions under deliberation, avoiding all personal attacks and indecorous language. No member shall speak more than once until all other members have had an opportunity to speak.
  - d. Interruptions. A member, once recognized, shall not be interrupted when speaking unless it is to call the member to order, or as herein



otherwise provided. If a member, while speaking, is called to order, the member shall cease speaking until the question of order is determined, and if in order, the member shall be permitted to proceed.

- e. Remarks of Committee Member - When Entered in Minutes. Any Committee member may request, through the Chair, the privilege of having a written abstract of the member's statement on any subject under consideration by the Committee entered in the minutes. If the Committee consents thereto, such statement shall be entered in the minutes.
- f. Motion to Reconsider. A motion to reconsider any action taken by the Committee may be made only on the date such action was taken. It may be made either immediately during the same session; or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, and may be made at any time and have precedence over all other motions. The motion is debatable.
- g. Motion to Call for Question or Continue to a Date Specific. A motion to call for the question or continue the matter to a specific date shall preclude all amendments to or deliberation of the subject under consideration and is not debatable.
- h. Statement of Position. When a motion to call for question or table is adopted, each member of the Committee may briefly state his/her position on the matter before roll call or call for the next item of business.
- i. Privilege of Closing Deliberation. The Committee member moving the adoption of a motion or resolution shall have the privilege of closing the deliberations or making the final statement.
- j. Division of Question. If the question contains two or more divisible propositions, the Chair may, and upon request of a member shall, divide the same.
- k. Second Required. All motions except for nominations and a point of

order shall require a second.

- l. Voting. A vote of a majority of all members, whether all members are present or not, shall be necessary for any action of the Committee. Three members present of the Committee shall constitute a quorum. If a motion fails to receive the required number of votes to pass or fail due to the absence of one or two members, the item shall be carried over to the next meeting.
- m. Forms of Action. The Committee may act by motion or resolution.
- n. Miscellaneous. All other matters not covered by these Rules and Procedures shall be decided by *Rosenberg's Rules of Procedure*.

#### I. ATTENDANCE

- 1. It shall be the responsibility of each Committee member to notify the Secretary, who shall thereupon notify the Chair, of an inability to attend a scheduled Committee meeting.

#### J. PREEMPTION

- 1. The applicable City of Alameda's policies, resolutions and ordinances and state and federal laws shall prevail where a conflict exists between any of them and these Rules and Procedures.