

REGULAR MEETING OF THE
CULVER CITY
LANDLORD TENANT MEDIATION BOARD
CULVER CITY, CALIFORNIA

November 7, 2018
7:00 p.m.

Call to Order & Roll Call

The regular meeting of the Landlord Tenant Mediation Board was called to order at 7:00 p.m. in the Patacchia Meeting Room at Culver City Hall.

Present: **Mike Berlin**, Chair
Taria Lewis, Vice Chair
Gary Duboff, Board Member
Beth Hyatt, Member*
Philip McCabe, Board Member
Justin Lescoulie, Board Member
Kenneth Rothschild, Board Member
Judy Scott, Board Member
Julieanna Thompson, Board Member
Olga Vaysberg, Board Member**
Elizabeth Voncannon, Board Member
Leonardo Wilborn, Board Member

*Board Member Hyatt arrived at 7:05 p.m.

**Board Member Vaysberg arrived at 7:05 p.m.

Staff: **Tevis Barnes**, Housing Administrator
Heather Baker, Assistant City Attorney
Mona Kennedy, Housing Programs Supervisor

Pledge of Allegiance

The Landlord Tenant Mediation Board recited the Pledge of Allegiance.

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Public Comment for Items NOT On the Agenda

No cards were received and no speakers were present.

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Presentations

None.

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Consent Calendar

Item C-1

Approval of Minutes for the Regular Meeting of July 25, 2018

THE LANDLORD TENANT MEDIATION BOARD APPROVED MINUTES FOR THE REGULAR MEETING OF JULY 25, 2018 (ABSENT MEMBERS HYATT AND VAYSBERG).

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Order of the Agenda

No changes were made.

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Action Items

Item A-1

Quarterly Report of Mediated Cases and Requests for Mediation During the Last Quarter (July 2018 Through October 2018), Discuss the Outcomes of All Mediated Cases that Occurred

**During the Last Quarter and Discuss All Mediation Requests
During the Last Quarter**

Mona Kennedy, Housing Programs Supervisor, reported that each of the three mediations had reached a settlement, and she noted a good faith issue with the owners in one of the mediations where a second mediation had to be held and a settlement was ultimately reached.

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Item A-2

Bylaws Subcommittee Update - (1) Receive an Update from the Bylaws Subcommittee (Members Lescoulie, Lewis, Thompson, Vaysberg) Regarding the Scope of LTMB, Outreach and Mediation Procedures; and (2) Discuss Related Recommendations to City Council

Member Lescoulie reported that the Bylaws Subcommittee had discussed expanding into habitability issues; he discussed a year-long pilot program inviting the community to speak about habitability issues; reaching out to the community; increased visibility; and addressing the communication gap.

Discussion ensued between staff and Board Members regarding scheduling; community outreach; habitability; condition of the unit; disclosing the requirement at the onset of the mediation that code violations would have to be reported to the appropriate City department; creation of an informational booklet to help Board Members identify issues as they arise; reporting procedures; alerting Code Enforcement about issues and that an agreement has been reached to address them; allowing reasonable opportunity to correct violations; education about what the program is about and the process; voluntary participation by landlords; origin of the idea for the pilot program; initiation of mediation; setting a time limit on the mediation; individual mediation vs. open forums; evaluating the scope of the Board; separating habitability issues from rent increases; the process for changing the bylaws; the feeling that if there is value, the rental increase is not as painful; controlling the flow of mediations; dedicating the first Saturday of each month to mediations; scheduling; requiring 2-3 mediators; having more than one panel per Saturday; costs to the City; location of the mediations; logistics; City Council approval; the process

moving forward; outreach; required noticing; complaint based enforcement; adding an addendum to new and existing leases; providing a sample addendum and a template; concern with telling a landlord to come voluntarily to a meeting where they could be cited for a code violation; distinctions between cosmetic problems and code violations; the mandate of the Board; evictions; including a requirement that tenants be informed that help is available; using code violations as a legal defense in evictions; whether participating in the mediation could be an advantage to the landlord; good faith; tenants who are not afraid to call Code Enforcement; legislating to the rule rather than to the exception; engaging in a friendly process; the number of habitability issues in the City; the voluntary nature of the pilot project; increasing awareness; referrals to Code Enforcement; concern that tenants don't report problems because they are afraid; problems that are not reported that turn into larger issues; helping tenants express concerns; outlining concerns on the mediation application so that the landlord can be alerted to issues; encouraging tenants to reach out to the landlord first; the feeling that it is easier to go to the City than to go to the landlord; data tracking; and small apartment complexes.

THE LANDLORD TENANT MEDIATION BOARD PASSED A MOTION TO SUPPORT MOVING FORWARD WITH A PILOT PROGRAM, WITH TWO MEMBERS EXPRESSING OPPOSITION.

THE LANDLORD TENANT MEDIATION BOARD PASSED A MOTION TO SUPPORT AN AMENDMENT TO LEASES RELATIVE TO PUTTING IN INFORMATION REGARDING THE AVAILABILITY OF THE PROGRAM, WITH ONE MEMBER EXPRESSING OPPOSITION.

Additional discussion ensued between staff and Board Members regarding providing an example of how the program could work; clarification that further investigation of the program would proceed but the program would not yet take effect; changes after the program takes effect; having the program also apply to rentals of single family homes; corporate lenders; the smoking ordinance; putting forth a recommendation rather than a mandate; change of ownership and tenant turnover; polling of registered voters; homeowners vs. renters; elections; marketing; new development; volatility of rents; and average length of rental occupancy in Culver City.

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Item A-3

Landlord Roundtable - Discussion on Joint Roundtable with the Committee on Homelessness and Local Landlords About Participating in the Rental Assistance Programs

Tevis Barnes, Housing Administrator, reported that the Committee on Homelessness (COH) wanted a better relationship with the LTMB; she discussed the difficulty of engaging landlords to participate in Rental Assistance Programs and to accept vouchers; the Apartment Association of Greater Los Angeles (AAGLA); the County of Los Angeles (COLA); the Housing and Urban Development (HUD) Listening Session; concerns expressed by landlords about dealing with bureaucracy; incentives to participate; convening a group of long-term owners in the City to gather input in a roundtable session; owners who are at a loss about how to deal with problem tenants; establishing a Housing Navigator to help resolve issues between the owner and tenant; connecting the tenant to necessary services; the desire of the COH to bring the LTMB into the roundtable; who to invite; and giving landlords what they need.

Discussion ensued between staff and Board Members regarding the need to go to county court if there is an issue; people who work the system; risk to the landlords; guaranteeing that the tenant will be out in 30 days if there is an issue; acknowledgement that the state of California trumps the City; social services; mental health issues; the Section 8 program; vouchers; hearing concerns and addressing them; legal authority; Wards of the Court; the legal agreement; First Place for Youth; paying the rent up front; emotional and behavioral health issues; legal components; lease holders; proof of residency; concern with the inability to remove problem tenants; meeting with property owners and management companies; concern with not reporting the need for repairs; determining what is tenant related vs. what is owner related; who should participate in the roundtable; and the optimal number of participants for the roundtable.

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Item A-4

Best Practices - Open Discussion on Best Practices of the Board

Chair Berlin discussed procedures for addressing a situation where there is disagreement among the mediators during a mediation.

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Public Comment for Items NOT On the Agenda

No cards were received and no speakers came forward.

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Receipt and Filing of Correspondence

None.

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Items from Landlord Tenant Mediation Board Members/Staff

Heather Baker, Assistant City Attorney, addressed questions that had arisen from the last meeting including rent increases subject to mediation; concern that the terms excessive and unjustified are used but not defined; and whether the LTMB wants to establish a threshold.

Discussion ensued between staff and Board Members regarding the feeling that establishing a threshold would be a form of rent control; concern with diminishing the tenant's rights if the increase has to be a certain amount; tying increases to the inflation index; the mediation application; privacy interests exempt from the Public Records Act; providing the option for the owner to receive a copy of the mediation application; habitability issues; who is required to attend the mediation; clarifying what good faith is; the ability to

come to an agreement; what constitutes evidence of bad faith; compliance with parameters and instructions; obligations and procedures set forth up front; engagement in the process; corporate contracts; working with people who are rigid in their positions; sincerity of purpose; having participants share their idea of what mediation should be; establishing expectations; instances where people show up without a legal representative; benefits of using a panel in mediation; available remedies; and Members shared mediation experiences.

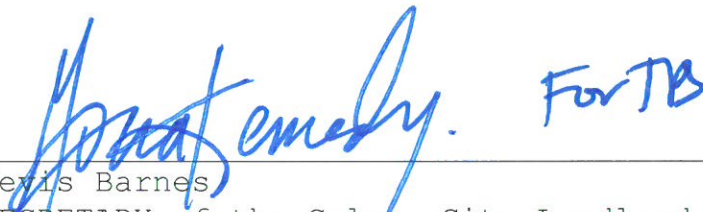
Chair Berlin expressed appreciation to Heather Baker and to the subcommittee for their work on the pilot program.

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Adjournment

There being no further business, at 9:10 p.m., the Culver City Landlord Tenant Mediation Board adjourned its meeting to Wednesday, January 30, 2019, at 7:00 p.m.

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 For TB

Tavis Barnes
SECRETARY of the Culver City Landlord Tenant Mediation Board
Culver City, California

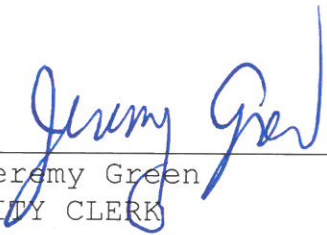
APPROVED

1/30/19



Mike Berlin
CHAIR of the Culver City Landlord Tenant Mediation Board
Culver City, California

I declare under penalty of perjury under the laws of the State of California that, on the date below written, these minutes were filed in the Office of the City Clerk, Culver City, California and constitute the Official Minutes of said meeting.



Jeremy Green
CITY CLERK

26 Mar 2019

Date