

RENT REVIEW COMMISSION

City of Palm Springs, California

AGENDA

Regular Meeting

Wednesday
July 27, 2016 – 10:00 a.m.



Palm Springs City Hall
Development Services
Conference Room

Travis Armstrong
Richmond Curtiss
Robert Elsner

Carol Ramsey
Eli Stiny

CALL TO ORDER:

ROLL CALL:

ACCEPTANCE OF AGENDA:

PUBLIC COMMENTS:

This time has been set aside for members of the public to address the Rent Review Commission on items of general interest within the subject matter jurisdiction of the Rent Review Commission, and agenda items if the member of the public cannot be present later in the meeting at the time the item is heard by the Commission. Additionally, members of the public may address the Commission on each item listed on the posted Agenda at the time each item is heard. Although the Rent Review Commission values your comments, pursuant to the Brown Act, it generally cannot take any action on items not listed on the posted agenda. Five (5) minutes assigned for each speaker.

A. NEW BUSINESS

1. **Welcome and Introductions**
Lauri Aylaian, Director, Community & Economic Development
2. **Commissioner Orientation**
Doug Holland, City Attorney
3. **Conduct of Commission Proceedings**
Doug Holland, City Attorney
4. **Schedule for Hearing of Petition**
Commissioners are asked to bring with them to this meeting their calendars for the month of August 2016, so that the time of the next meeting can be selected.

COMMISSIONER COMMENTS/REPORT/REQUESTS:

REPORTS OF DIRECTOR/STAFF:

ADJOURNMENT: The Rent Review Commission will adjourn to a future meeting at a time and date to be established at this meeting.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, or in meetings on a regular basis, you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the Office of the City Clerk, 323-8204, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

Pursuant to G.C. Section 54957.5 the designated office for inspection of public records in connection with the public meeting of the Rent Review Commission is the Office of the City Clerk, City Hall, located at 3200 E. Tahquitz Canyon Way, Palm Springs, California, 92262.

AFFIDAVIT OF POSTING

I, Lauri Aylaian, Community and Economic Development Director of the City of Palm Springs, California, certify this Agenda was posted at or before 6:00 p.m. on Thursday, July 21, 2016, as required by established policies and procedures.



Lauri Aylaian, Director
Community & Economic Development

PROCEDURAL RULES

FOR

PALM SPRINGS RENT REVIEW COMMISSION

These procedural rules are promulgated and adopted pursuant to Section 9(g) of Ordinance No. 1117 (PSMC 4.04.050 (g)). These rules are intended to provide a procedural framework for the conduct of the business of the Palm Springs Rent Review Commission, and are not intended to affect any substantive rights of either landlords or tenants.

1. Conduct of Meetings

To the extent that the same are applicable to the work of this Commission, and with reference to regular or special or other "business" meetings of the Commission, the policies adopted by the City Council of the City of Palm Springs in Resolution No. 11793 are acknowledged and adopted by the Palm Springs Rent Review Commission. The provisions of Section 2 of said Resolution referring to the seeking of community input through personal contact, working with special interest groups, and holding public hearings when appropriate, are understood to apply only to the policy recommendations, and general business of this Commission, considered to be of an administrative nature. To the extent that the work of this Commission is quasi-judicial said Section 2 of said Resolution may not be applicable.

2. Conduct of Hearings

- (a) Hearings for the determination of requests for hardship rent increases, or for determination of propriety of actions or proposed actions pursuant to the ordinance may be conducted by the Commission as a whole, by a panel of two or more Commissioners, or by a hearing officer, or single Commissioner acting as a hearing officer. If heard by a single Commissioner or a hearing officer, he shall preside over the hearing. If heard by more than one Commissioner or hearing officer, one member of such panel shall be designated as presiding, and he shall preside over such hearing. The presiding officer shall determine and direct the order of presentation, and shall maintain order and decorum in the hearing room.
- (b) Decorum. All participants and persons attending Commission hearings shall be expected to maintain order and decorum. Witnesses, parties, participants and spectators, as well as hearing officers or Commissioners, are entitled to courtesy and consideration by all other persons in attendance. Parties and spectators are expected to refrain from indications of approval or disapproval of the testimony of witnesses or statements of parties, counsel or Commissioners. Applause, catcalls, and other expressions of approval or disapproval are discouraged as disruptive of the orderly proceedings of the Commission.

- (c) Assistance of Counsel. Each party to a hearing may have assistance in presenting evidence or in setting forth his position by argument from an attorney or such other person as may be designated by the said party. Any attorney representing a party before the Commission shall file a notice of appearance with the Commission at the earliest practicable date. Thereafter, all notices required to be served on such party in the course of these proceedings may be served on his or her attorney unless otherwise ordered by the Commission.
- (d) Witnesses Sworn. All oral testimony offered as evidence to the Commission shall be under oath. Witnesses may be individually sworn, or all witnesses to appear in the proceeding may be sworn at one time. The oath may be administered to witnesses by the person presiding at the hearing, or by some person designated by him.
- (e) Order of Proceedings. The petitioner will open and close the presentation of evidence and argument in ordinary circumstances. The Commission may alter the order of presentation as necessary, depending, for example, on the availability of witnesses. Each witness shall be examined by the party presenting the witness, then shall be subject to cross-examination by the, or any, opposing party, then shall be subject to redirect examination by the party presenting the witness, on matters covered in cross-examination.

The hearing officer or Commissioners may ask questions of the witness or of any party at any time in the course of the proceedings, and shall specifically be invited by the presiding officer to examine the witness. Either party, upon request, shall be entitled to further examination of the witness on any subject covered by questions from a hearing officer or Commissioner.

- (f) Documentary Evidence. The presentation of evidence or of a party's position in writing, or by documentary evidence is required where possible. If the document is a statement of position, a statement of facts, a summary, or any document other than a document developed in the ordinary course of business, the same shall be in affidavit form, or a declaration under penalty of perjury, or shall be in some other manner verified by the oath of a party or witness. Early submittal of documentary evidence is encouraged, particularly in the form of exhibits attached to and presented at the time of filing of the petition. Exhibits shall be marked for identification prior to submittal. Petitioner shall use numerical designations. Respondent shall use alphabetical designations. Ten copies of each exhibit shall be made available for use by the Commission no later than the opening of hearing, where possible.
- (g) Petition to State Prima Facie Case. The petition shall be submitted upon the form designated by the Commission and shall set out facts sufficiently specific and detailed that the nature of the Petitioner's claim can be determined from the face of the petition and any supporting documents attached to or filed with the petition. It is the intent of the Commission that the petition when filed shall contain sufficient facts, under oath, to support the granting of the relief sought, if no other evidence were

offered, and none of said facts were disproved.

Respondent may file a written response to the petition but is not required to do so.

(h) Rules of Evidence.

- (1) Formal rules of evidence are not applicable to the proceedings of the Commission. The guiding rule on admissibility of evidence is relevance of the information to the issue sought to be proved. Any evidence shall be admissible if it is of the nature that a reasonable man would or might rely upon it in the prudent conduct of his own affairs of a serious nature.
- (2) The Commission may take official notice before submission of the case for decision, of any generally accepted technical matter within the Commission's scope of inquiry, and of any fact which may be judicially noticed by the courts of this state. Parties present at the hearing shall be informed of the matters to be noticed, and those matters shall be noted in the record and made a part thereof. Any such party shall be given reasonable opportunity on request to refute the officially noticed matters, or to object to the Commission taking official notice of such matters.
- (3) The Commission may inspect any premises which are the subject of a petition before submission of the case for decision if there is a hearing, or at any time before announcing its decision if no hearing is required or held. The inspection may be initiated by the Commission on its own motion, or on motion of any party. The inspection may be limited to certain portions of the premises by stipulation of the parties.

The inspection shall be conducted at a time convenient to the Commission. All members of the hearing panel shall be present at such inspection. All parties and/or their legal counsel are entitled to attend such inspection, and shall be given reasonable notice thereof.

- (4) The Commission may investigate in advance of the hearing any matters relevant to the determination of the issue(s) raised by the petition or any responsive pleading, provided:
 - (A) Where practicable, notice is given to all parties before such investigation is begun of the matters to be investigated; and
 - (B) The scope, method and results of such investigation are made part of the administrative record, and
 - (C) All parties are given reasonable opportunity to refute the results of the investigations and/or object to the Commission's consideration of said results in its deliberations.

After the hearing has begun and before the case is submitted for decision the Commission may investigate any matters relevant to the determination of the issue(s) raised at hearing provided subsections (A), (B) and (C) are complied with. After the case has been submitted for decision, neither the Commission nor any individual Commissioner shall investigate any matter(s) raised by the pleadings or at hearing except upon stipulation of all parties and in compliance with subsections (A), (B) and (C).

Any investigation permitted by this section may be carried out by the entire Commission acting in concert, or by one or more Commissioners designated by the Commission, or by any person designated by the Commission who is not a party or agent of a party to the proceedings.

- (i) Failure to Appear. In the event that any party who has received due notice of the hearing shall fail to appear at the time and place set for hearing of the petition, the Commission may hear and review such evidence as may be presented, and may make such findings and decisions as shall be supported by the evidence presented. If a party has not been given proper notice of a hearing, that party shall not be bound by the results of the hearing.
- (j) Record of Proceedings--Transcript. The Commission, for its own convenience in reviewing testimony, shall cause its hearings to be recorded by magnetic tape or other means. Until it is erased or otherwise disposed of, any such tape shall be available to any party to the proceeding when it is not in use by the Commission or its staff. Such tape shall not constitute a public record, and is intended solely for temporary convenience of the Commission and its staff, and is not intended to be kept as a permanent part of the record of a hearing. Any party desiring a transcript of a hearing shall, at his own expense, arrange to record such testimony and/or prepare a transcript thereof, provided reasonable notice of the intent to record is given to the Commission.
- (k) Submittal for Decision. When all evidence has been submitted and each party has "rested his or her case, and when the Commission or hearing officer is satisfied that all evidence needed for decision is present, the presiding officer shall declare the matter submitted for decision, and the Commission shall make a final decision no later than ten (10) days thereafter. If the matter is heard by a hearing officer, or a panel of less than a quorum of the Commission, the presiding officer shall adjourn the hearing to a date when a quorum of the Commission will be present, and the hearing shall be declared concluded, and submitted for decision when the findings and recommended decisions of the hearing officer or panel have been presented to the Commission for decision.
- (l) Findings and Decision. The hearing officer or panel, if less than a quorum of the Commission, shall make findings and a

recommended decision. The Commission sitting as a whole may adopt or reject the findings, and may adopt the recommended decision or any other decision consistent with the findings. No rent increase shall be authorized unless supported by the preponderance of the evidence.

- (m) Notice of Decision. Unless otherwise stated by the Commission, the petitioner shall have the obligation of serving a copy of the findings and decision on each party to be bound thereby. If a decision authorizes a rent increase, the same shall not be effective until each tenant receives 30 days notice of the actual dollar amount thereof, which notice may be served at the same time as a copy of the decision and findings.
- (n) Final Administrative Action. The findings and decisions of the Commission shall be final administrative action. There shall be no right of appeal to the City Council or to any other administrative body within the City structure. Such findings and decisions shall be public records, and may be certified by the Secretary of the Commission, if any, or by the City Clerk.

ADOPTED: March 12, 1981

REVISED: March 30, 1984

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