

Rent Board Takes Illegal Action

By Sharifa Wilson

On Monday night the city council accepted a report regarding the current actions of the Rent Stabilization board. It is important that this information be shared with the community, so you will be aware of what is happening. I, of course, hope that it stimulates you to take some action.

The board at its Nov. 28 meeting voted to pass the cost of the increase in the sanitary fees to the tenants. This amounts to \$105.00 increase in rents per unit, according to the director of rent stabilization department. This action was illegal!

The ordinance provides that the landlord must apply to the board in order to increase rents. The board was advised by the city attorney that the ordinance does not give the board the authority to passthrough the increase to the tenants. The attorney went on to tell the board that its actions are a violation of the ordinance. The board ignored the advice from city attorney and voted to pass the increase to the tenants. The increase will go into effect February 1, 1991.

On May 21, 1990, the city council voted to dismiss the board because its actions were contrary to legal advice, and would have caused the city to go to court. The board planned to adopt "Rules" which would conflict with some provisions of the ordinance. The council's action was to protect the city from a lawsuit, and the loss of much-needed funds, as the actions were clear violations of the ordinance. Shortly thereafter, the same board was re-appointed. Now, seven months and an election later, the board plans to take action on those same "Rules & Regulations," at its February meeting.

All this information was presented to the council on Monday, Jan. 7. The council majority de-



Sharifa Wilson

ecided not to dismiss the board, but rather to send yet another messenger with yet another message. It was clearly stated by Mr. Smith, city attorney to the Rent Board, that the law had been violated.

The council should have dismissed the board based on that action alone. Councilmember Vines and I attempted to send the messenger with a strong message, that the council would not tolerate illegal actions, but we could not get other council members to support even that.

It seems hard to believe that the board would act contrary to legal advice. One has to ask why a board would deliberately take action which will result in the city's incurring costs from lawsuits. How much in legal costs will have to be spent to defend the illegal actions of the board? Is there an attempt to deplete the rent stabilization funds, thereby causing the disbanding of the department?

Is the board's action aimed at challenging the law? Isn't that the role of landlords who are opposed to rent control? We cannot permit the board to use our money to go to court to fight a

Continued on page 6

Rent Board

Continued from page 1

law which we voted in. If the landlords want to challenge the law, let them use their funds to pursue a lawsuit, not ours! They should not be allowed to continue to manipulate the board for their own interest.

The board's obligation is to implement the law, as it is written. This board has been given numerous occasions to "correct its behavior." The board has had "study sessions" with the council to get an "understanding" of the council's position. The board has been directed not to act contrary to legal advice. It is clear that the influence of some landlords continue to affect the actions of the board. The board continues to work against the interest of the tenants and the community. The cost of lawsuits is borne by all of us.

It is time for this to stop. It is time for the community to raise up and voice strong protest. I hope some of you will come out to the next council meeting to support Councilmember Vines and myself; we cannot do it alone!

The issue is not "rent control," the issue is "violation of the law!" If the passthrough is allowed to go into effect, we are allowing the laws of our city to be violated. If we allow this to happen, what is the next law which will be violated? How can we, as a council, expect others to follow the law, if we sit and allow the board to violate the law?

This board needs to be dismissed, the council should not have to maintain a constant monitoring system to protect the community from the board's action. The council cannot tell the board what actions to take, but the council does have the authority and the responsibility to dismiss and appoint board members.

I hope some of you will be encouraged to apply to fill a vacancy on the board. The board needs to have fair-minded people who will work to protect board, tenants and landlords. If you are a homeowner, tenant, or a landlord, please consider applying for the board. Your participation in city government will determine the quality of service you receive.