

## Stevenson, Garrett

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**Subject:** FW: Item #6 DIRECTION TO PREPARE AN ORDINANCE ESTABLISHING A RENT STABILIZATION DEPARTMENT, PURSUANT TO REQUEST OF THE PASADENA RENTAL HOUSING BOARD

**From:** Liberty McCoy < >  
**Sent:** Monday, November 6, 2023 2:02 PM  
**To:** PublicComment-AutoResponse <publiccomment@cityofpasadena.net>  
**Subject:** Item #6 DIRECTION TO PREPARE AN ORDINANCE ESTABLISHING A RENT STABILIZATION DEPARTMENT, PURSUANT TO REQUEST OF THE PASADENA RENTAL HOUSING BOARD

Hello,

I write today to address concerns about the Pasadena Rental Housing Board becoming a Rental Stabilization Department. I would like to remind the council that this issue has already been adjudicated by the Honorable Mary H. Strobel - in the lawsuit brought by CALIFORNIA APARTMENT ASSOCIATION, AHNI DODGE, SIMON GIBBONS, MARGARET MORGAN, DANIELLE MOSKOWITZ, & TYLER WERRIN.

As a reminder the section I am quoting - they were denied and Measure H was found to be lawful - bold text is mine for emphasis:

Petitioners contend that Measure H fundamentally alters this structure of government because it authorizes the Rental Board ("Board") to operate independently from the City Council and City Manager, and because it "vests that Board with exclusive powers over one of the most fundamental policy issues in California- housing- which would otherwise be the exclusive purview of the City Council exercising its legislative powers and the City Manager exercising the City's executive function." (OB 15 .) Petitioners highlight section 181 l(e), (f), (l), (m), and (n) of Measure Has support for these contentions.

Section 1811 (e) describes Board's powers and duties over rent control in City, including to "[s]et allowable Rent increases at fair and equitable levels to achieve the purposes of this Article"; appoint hearing officers and act as the appellate body for Petitions for Individual Rent Adjustment; "[e]stablish a budget for the reasonable and necessary implementation of the provisions of this Article, including but not limited to the hiring of necessary staff"; and "[i]ntervene as an interested party in any litigation brought before a court of appropriate jurisdiction by a Landlord or Tenant with respect to Rental Units subject to this Article." Section 1811 (f) states that "Board shall issue and follow such rules and regulations as will further the purposes of the Article." Section 1811 (1) describes the financing of the Board and is discussed in detail below. **Section 181 l(m) states, in pertinent part: "The Rental Board shall be an integral part of the government of the City, but shall exercise its powers and duties under this Article independent from the City Council, City Manager, and City Attorney, except by request of the Rental Board."** Section 181 l(n) states that "Board may, in its sole discretion, and without approval of the City Council, retain private attorneys to furnish legal advice or representation in particular matters, actions, or proceedings." (Rec. 43-46.)

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Measure H does not empower the Board to "enact law to administer and enforce the rent control law" and it does not "usurp" legislative functions from the City Council. (OB 15 [bold italics added].) Rather, as is common in many types of legislation, the Board is authorized to "[e]stablish rules and regulations for administration and enforcement of this Article."

**Further, City Council could also legislate on matters related to Measure H, as long as its actions do not conflict with Measure H, as would be the case for any Charter amendment adopted by initiative."**

Best regards,  
Liberty McCoy