

## **RENT ADJUSTMENT COMMISSION (RAC)**

### **APPEALS BOARD (AB) RULES AND GUIDELINES**

- A. In accordance with the Los Angeles Municipal Code (LAMC) and the RAC's Regulations, the RAC will hear appeals scheduled by the Hearing Section Staff of the Los Angeles Department (LAHD).
- B. The RAC Commissioners shall act as an AB in either of the following manners:
1. RAC regular or Special meeting: The appeals will be placed on the agenda meeting as the last order of business on the agenda (unless the RAC Chairperson decides to place the appeal(s) in a different order).
- C. As part of the AB hearing there may be a consent calendar listing all appeals recommended for denial by the LAHD based on a procedural deficiency. Any AB Member can pull for discussion any appeal from the consent calendar. Any items not pulled will be voted on without discussion.
1. If the consent calendar is approved by motion of the AB, the appeals listed on the consent calendar will be denied.
  2. Any appeals pulled from the consent calendar will be discussed by the AB and each separately voted on. The first vote will be on the recommendation to deny the appeal by the LAHD. Further motions will be voted on as may be appropriate.
  3. Public comment or testimony with respect to any consent calendar items shall be limited to three minutes.
- D. The RAC notice requirements for regular meetings and special meetings contained in the RAC's Working Rules shall be followed.
- E. Notification of landlord, interested parties, and affected tenants shall be made according to specific ordinance, requirements of RAC Regulations, and LAHD procedures.
- F. A copy of specific cases file and appeal materials, as determined by the RAC, will be delivered to the AB members prior to the AB hearing in accordance with the RAC's Working Rules. The documents to be provided to the AB include:
1. Notice of Appeal/Appeal of General Manager's Determination;
  2. Copy of check or money order for appropriate filing fee (or any waiver);
  3. General Manager's Hearing Decision with the attached General Manager's Hearing Sign-In sheet. This is not applicable to an appeal of a Code Enforcement order.

4. Listing of any documents submitted as evidence at the General Manager's hearing and/or actual those actual documents;
5. Any other documents submitted by the appellant, the LAHD, or any other party to the case for AB consideration;
6. Department reports;
7. When relevant, the most current inspection report for any property in question; provided however that compliance with orders to comply subsequent to the General Manager's hearing shall not be considered by AB, as applicable.
8. Rent reduction matrix (for REAP and REAP Release of Escrow hearings); and/ or
9. Updated account balance sheet (for Release of Escrow hearings).

G. LAHD Hearings Section, Code Enforcement Division or Rent Stabilization Division shall prepare a neutral report of the appeal. The neutral report of the appeal shall be prepared and presented by the LAHD Division/Section who is the LAHD's representative for the Appeal. The report shall be provided to each party no later than the time each party signs in with staff at the AB hearing or upon request.

H. The RAC Chairperson shall preside over the appeals or may appoint a person to preside from the AB members present.

I. In the absence of RAC Chairperson, the RAC Vice-Chairperson shall preside over the appeals or may appoint a Commissioner to preside from the AB members present if a Commissioner was not previously designated to preside.

J. In the absence of the RAC Chairperson and RAC Vice-Chairperson, the AB shall elect a Commissioner to preside from the AB members present if a Commissioner was not previously designated to preside.

K. The Commissioner presiding for the AB shall:

1. At the beginning of the AB meeting ask all parties to an appeal on the AB agenda to make certain that each party has signed in with AB staff, including having each party indicate when they sign in if they wish to present any new evidence during their argument. If so,(unless the party has already provided the following information with the Notice of Appeal) have the party fill out a form approved by the RAC that identifies or attaches, as may be appropriate, the new evidence as well as an explanation as to how the new evidence meets the requirements for consideration by the AB, including but not limited to whether it is relevant to the underlying issues. Have AB staff provide each party to an appeal with a copy of any filled out forms regarding new evidence;

2. Introduce the members of the AB and read the opening statement appropriate for the type of appeal being heard (see attached opening statement(s));

3. Have the oath administered to the translator, if necessary;
  4. Have the LAHD representative briefly and neutrally present the case.
  5. Have the appellant present the reasons supporting the appeal for the case. A total of five minutes will be generally provided for this presentation including any rebuttal. Extensions of time may be granted by the person presiding for the AB;
  6. Have the LAHD representative present the Department's case. A total of five minutes will be generally provided for this presentation. Extensions of time may be granted by the person presiding for the AB;
  7. Have any interested third party(ies) present relevant argument not already presented related to the AB's consideration of the case. A total of five minutes will be generally provided for this presentation to all of the third parties. If there are multiple persons wishing to present argument, encourage them to work out amongst themselves splitting up this time. Extensions of time may be granted by the person presiding for the AB;
  8. Have recorded each new document offered by any party including any attached to the notice of appeal form, indicating whether the new document was considered as evidence by the AB;
  9. As to any offered new evidence consider whether it meets the requirements for consideration by the AB, including but not limited to whether it is relevant to the underlying issues. the AB may have an oath administered for this purpose and accept limited testimony on the issue; and
10. Maintain order.
- L. During the hearing, there will be no discussion between the interested parties, and all comments, questions, and answers shall be addressed to the AB.
  - M. The entire case file for each appeal will be available at the AB review when the appeal is being heard.
  - N. AB members voting on a determination must have been present for all testimony on any given appeal.
  - O. The LAHD shall maintain a recording of all appeals. If any of the parties wish, a duplicate of the recording is available, as are copies of any documents in the case file, for a fee, determined by LAHD.
  - P. The appeal hearing can be continued for good cause as determined by the AB; provided however that the appellant waives any time limit imposed by the Rent Stabilization Ordinance (RSO), if necessary.

- Q. The AB shall, by majority vote, approve by motion, a determination of the appeal. Abstentions shall not be counted except for establishing quorum.
  
- R. The person presiding for the AB shall select a member of the AB in the majority to finalize the written findings in conformity with the motion.