

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: December 16, 2020

Final Decision Date Deadline: December 16, 2020

STATEMENT OF THE ISSUE: As currently written, Regulation 1001 may be confusing to community members due to its reference to "Rental Units as described in Chapter 2 of [these] regulations," because Chapter 2 describes units that are exempt from the Rent Ordinance. In response, staff members have prepared an amendment to Regulation 1001 that clarifies the intent of the regulation for the Board's consideration.

INDICATE APPROPRIATE BODY

- | | | | | |
|---|---|--|--|---|
| <input type="checkbox"/> City Council | <input type="checkbox"/> Redevelopment Agency | <input type="checkbox"/> Housing Authority | <input type="checkbox"/> Surplus Property Authority | <input type="checkbox"/> Joint Powers Financing Authority |
| <input type="checkbox"/> Finance Standing Committee | <input type="checkbox"/> Public Safety Public Services Standing Committee | <input type="checkbox"/> Local Reuse Authority | <input checked="" type="checkbox"/> Other: <u>Rent Board</u> | |

ITEM

- | | | |
|---|--|--|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) | | |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Regulation | <input checked="" type="checkbox"/> Other: <u>CONSENT CALENDAR</u> |
| <input type="checkbox"/> Contract/Agreement | <input type="checkbox"/> Rent Board As Whole | |
| <input type="checkbox"/> Grant Application/Acceptance | <input type="checkbox"/> Claims Filed Against City of Richmond | |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Video/PowerPoint Presentation (contact KCRT @ 620.6759) | |

RECOMMENDED ACTION: AMEND Regulation 1001 to clarify that Landlords of all Rental Units shall file notices of termination of tenancy and change in terms of tenancy with the Rent Board – Rent Program (Paige Roosa/Charles Oshinuga 620-6537).

AGENDA ITEM NO:

F-7.

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AGENDA REPORT

DATE: December 16, 2020

TO: Chair Maddock and Members of the Rent Board

FROM: Paige Roosa, Deputy Director
Charles Oshinuga, Staff Attorney

SUBJECT: AMENDMENT TO REGULATION 1001

STATEMENT OF THE ISSUE:

As currently written, Regulation 1001 may be confusing to community members due to its reference to “Rental Units as described in Chapter 2 of [these] regulations,” because Chapter 2 describes units that are exempt from the Rent Ordinance. In response, staff members have prepared an amendment to Regulation 1001 that clarifies the intent of the regulation for the Board’s consideration.

RECOMMENDED ACTION:

AMEND Regulation 1001 to clarify that Landlords of all Rental Units shall file notices of termination of tenancy and change in terms of tenancy with the Rent Board – Rent Program (Paige Roosa/Charles Oshinuga 620-6537).

FISCAL IMPACT:

There is no fiscal impact to this clarifying revision to an existing regulation.

DISCUSSION:

Background

Regulation 1001 is contained in Chapter 10 of the Rent Board’s adopted regulations and seeks to clarify the requirement for Landlords to file notices of termination of tenancy or change in terms of tenancy with the Rent Board.

The existing regulation, adopted by the Board on September 20, 2017, reads as follows:

Landlords of Controlled Rental Units and Landlords of Rental Units
as described in Chapter 2 of this Regulation shall file with the Board

within two (2) business days after service of a notice on a Tenant of a termination of tenancy or change in terms of tenancy a copy of such notice, with a proof of service of the notice, including time and date of service, using, absent extraordinary circumstances, the appropriate online form on the Rent Program website. If a Landlord does not file with the Board the notice and proof of service concerning a change in the terms of a tenancy as provided in this Section, such change shall be deemed null and void. If a Landlord does not file with the Board the notice and proof of service concerning a termination of tenancy as provided in this Section, the failure is a complete defense in an unlawful detainer.

“Notice of Termination of Tenancy” as used in this Chapter 10 shall mean any notice served on a Tenant in accordance with State law which seeks to recover possession of a Rental Unit. This includes, but is not limited to, three-day notices to pay rent or quit, notices to perform covenant or quit, and all other termination notices permitted under State law.

Proposed Revision to Regulation 1001

The intent of Regulation 1001 is to clarify that all Rental Units, including Partially Covered Units (subject to just cause for eviction requirements) and Fully Covered Units (subject to just cause for eviction requirements and rent control), shall file notices of termination of tenancy and change in terms of the tenancy with the Rent Board.

As currently written, Regulation 1001 may be confusing to community members due to its reference to “Rental Units as described in Chapter 2 of [these] regulations,” because the purpose of Chapter 2, is, in part, to describe those categories of properties which are *exempt* from the Ordinance. Therefore, staff members recommend the Board’s adoption of a revised regulation that does not reference Chapter 2 and instead clarifies that Landlords of a Rental Units subject to the rent control and/or just cause for eviction provisions of the Rent Ordinance are required to file notices of Termination of Tenancy or Change in Terms of Tenancy with the Board.

Next Steps

In accordance with Regulation 323, the amended regulation would become effective January 15, 2021 (thirty calendar days from the date of the Board meeting). Staff members do not anticipate additional implementing actions will be necessary, considering the minor nature of the revision.

DOCUMENTS ATTACHED:

- Attachment 1- Proposed Amendment to Regulation 1001 (revisions in track changes)
- Attachment 2- Proposed Amendment to Regulation 1001 (clean)

1001. Notices of Termination of Tenancy or Change in Terms of Tenancy – All Rental Units

~~Where a Landlord who is s of Controlled Rental Units subject to any provision of the Fair Rent, Just Cause, and Homeowner Protection Ordinance serves a Tenant with either a Notice of Termination of Tenancy or Change in Terms of Tenancy, that Landlord or their representative, and Landlords of Rental Units as described in Chapter 2 of this Regulations subject to the just cause requirement for eviction shall file with the Board within two (2) business days after service of said Notice(s), shall file with the Rent Board of a notice on a Tenant of a termination of tenancy or change in terms of tenancy a copy of such served Notice, along notice, with a Pproof of Sservice of the Nnotice. Unless otherwise provided by Rent Program staff members, to properly file a copy of the served Notice and Proof of Service with the Rent Board, Landlords must submit their documents , including time and date of service, using, absent extraordinary circumstances, the appropriate onlinethrough the Rent Program’s online submission portal. form on the Rent Program website. If a Landlord does not fails to file with the Board the a copy of the Nnotice and Pproof of Sservice of eonecerning a Cchange in the Tterms of a Ttenancy, as required by this as provided in this SectionRegulation, such change shall be deemed null and void. Additionally, if a Landlord does not fails to file with the Board the Nnotice and Pproof of Sservice eonecerning of a Ttermination of Ttenancy as provided required byin this SectionRegulation, the failure is a complete defense in an Uunlawful Ddetainer.~~

“Notice of Termination of Tenancy” as used in this Chapter 10 shall mean any notice served on a Tenant in accordance with State law which seeks to recover possession of a Rental Unit. This includes, but is not limited to, three-day notices to pay rent or quit, notices to perform covenant or quit, and all other termination notices permitted under State law.

[Formerly Regulation 17-10; adopted September 20, 2017; [amended December 16, 2020](#)]

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1001. Notices of Termination of Tenancy or Change in Terms of Tenancy – All Rental Units

Where a Landlord who is subject to any provision of the Fair Rent, Just Cause, and Homeowner Protection Ordinance serves a Tenant with either a Notice of Termination of Tenancy or Change in Terms of Tenancy, that Landlord or their representative, within two (2) business days *after* service of said Notice(s), shall file with the Rent Board a copy of such served Notice, along with a Proof of Service of the Notice. Unless otherwise provided by Rent Program staff members, to properly file a copy of the served Notice and Proof of Service with the Rent Board, Landlords must submit their documents through the Rent Program’s online submission portal. If a Landlord fails to file with the Board a copy of the Notice and Proof of Service of a Change in Terms of Tenancy, as required by this Regulation, such change shall be deemed null and void. Additionally, if a Landlord fails to file with the Board the Notice and Proof of Service of Termination of Tenancy as required by this Regulation, the failure is a complete defense in an Unlawful Detainer.

“Notice of Termination of Tenancy” as used in this Chapter 10 shall mean any notice served on a Tenant in accordance with State law which seeks to recover possession of a Rental Unit. This includes, but is not limited to, three-day notices to pay rent or quit, notices to perform covenant or quit, and all other termination notices permitted under State law.

[Formerly Regulation 17-10; adopted September 20, 2017; amended December 16, 2020]

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