

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Bill Lindsay

Phone: 620-6512

Meeting Date: June 21, 2017

Final Decision Date Deadline: June 21, 2017

STATEMENT OF THE ISSUE: Section 11.100.030(d) of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance defines which units are exempt from the Rent Control provisions of the Ordinance (Section 11.100.070), but does not address which rental units are also exempt from the Just Cause for Eviction provisions of the Ordinance (Section 11.100.050). Adoption of a regulation is therefore necessary to clarify which units are exempt from both the Rent Control and Just Cause for Eviction provisions.

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> | |

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|---|--|---|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) | | |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Other: <u>Training</u> |
| <input type="checkbox"/> Contract/Agreement | <input type="checkbox"/> Council 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: ADOPT Regulation 17-03, regarding Rental Units exempt from the Rent Control and Just Cause for Eviction provisions of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance – Rent Program (Michael Roush 621-1202).

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AGENDA REPORT

RENT PROGRAM

DATE: June 21, 2017

TO: Chair Gray and Members of the Rent Board

FROM: Michael Roush, Legal Counsel

SUBJECT: REGULATION REGARDING UNITS EXEMPT FROM THE FAIR RENT, JUST CAUSE FOR EVICTION, AND HOMEOWNER PROTECTION ORDINANCE

STATEMENT OF THE ISSUE:

Section 11.100.030(d) of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance defines which units are exempt from the Rent Control provisions of the Ordinance (Section 11.100.070), but does not address which rental units are also exempt from the Just Cause for Eviction provisions of the Ordinance (Section 11.100.050). Adoption of a regulation is therefore necessary to clarify which units are exempt from both the Rent Control and Just Cause for Eviction provisions.

RECOMMENDED ACTION:

ADOPT Regulation 17-03, regarding Rental Units exempt from the Rent Control and Just Cause for Eviction provisions of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance – Rent Program (Michael Roush 621-1202).

FISCAL IMPACT:

There is no fiscal impact to the City at this time.

DISCUSSION:

Background

Section 11.100.030(d) of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance describes those units exempt from the Rent Control provisions of the Ordinance; however, nowhere in the Ordinance is there an explicit identification of

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what units are exempt from the Just Cause for Eviction provisions included in Section 11.100.050.

Purpose

Regulation 17-03 seeks to clarify which units are exempt from the rent control and just cause for eviction provisions, the requirement to file notices with the Rent Board, and payment of the Residential Rental Housing Fee.

Exempt Units

Under the proposed Regulation 17-03, the following units would be declared exempt from both the rent control and just cause for eviction provisions of the Ordinance, including the requirement to file notices with the Rent Board and pay the Residential Rental Housing Fee:

- (a) Rental Units in hotels, motels, inns, tourist homes and rooming and boarding houses that are rented primarily to transient guests for a period of fewer than 14 days;
- (b) Rental Units in any hospital, convent, monastery, extended medical care facility, asylum, or non-profit home for the aged, or dormitory owned and operated by an accredited institution of higher education;
- (c) Rental Units for which there is a Temporary Tenancy, as defined in Section 11.100.030 (q), RMC;
- (d) Rental Units that are lawful and in compliance with the Small, Second Unit Ordinance of the City (Section 11.15.04.810 RMC) if the Primary Residence, as defined in Section 11.100.030 (h), RMC is occupied by the property owner; and
- (e) Rental Units where the Rental Unit is the Primary Residence of the property owner and the property owner shares with a Tenant(s) a bathroom or kitchen.

DOCUMENTS ATTACHED:

Attachment 1 – Regulation 17-03, Regarding Rental Units Exempt from the Rent Control and Just Cause for Eviction provisions of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance

ATTACHMENT 1

RICHMOND RENT BOARD REGULATION 17-03

Regarding Rental Units Exempt from the Rent Control and Just Cause for Eviction Provisions of the Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance (Chapter 11.100, Richmond Municipal Code)

The following Rental Units are exempt from the Rent Control (11.100.070) and the Just Cause for Eviction (11.100.050) provisions of the Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance. Landlords of the following Rental Units are not required to file with the Board rental increase notices, changes in terms of tenancies or tenancy termination notices, or copies of a proof of service of such notices on a tenant:

- (a) Rental Units in hotels, motels, inns, tourist homes and rooming and boarding houses that are rented primarily to transient guests for a period of fewer than 14 days;
- (b) Rental Units in any hospital, convent, monastery, extended medical care facility, asylum, or non-profit home for the aged, or dormitory owned and operated by an accredited institution of higher education;
- (c) Rental Units for which there is a Temporary Tenancy, as defined in Section 11.100.030 (q), RMC;
- (d) Rental Units that are lawful and in compliance with the Small, Second Unit Ordinance of the City (Section 11.15.04 RMC) if the Primary Residence, as defined in Section 11.100.030 (h), RMC is occupied by the property owner; and
- (e) Rental Units where the Rental Unit is the Primary Residence of the property owner and the property owner shares with a Tenant(s) a bathroom or kitchen.

ATTACHMENT 1

I, the undersigned, hereby certify that the foregoing Regulation was duly adopted and passed by the Richmond Rent Board in a regular meeting assembled on June 21, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

MARIAH FAIRLEY

Rent Board Secretary

Chair

Approved as to form:

MICHAEL ROUSH

Rent Board Legal Counsel

State of California }
County of Contra Costa } :ss.
City of Richmond }

I certify that the foregoing is a true copy of **Regulation 17-03**, finally passed and adopted by the Rent Board of the City of Richmond at a regular meeting held on June 21, 2017.

Mariah Fairley, Rent Board Secretary