

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: July 18, 2018

Final Decision Date Deadline: July 18, 2018

**STATEMENT OF THE ISSUE:** The Richmond Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance ("Rent Ordinance") fully exempts from its provisions "Rental Units in hotels, motels, inns, tourist homes and rooming and boarding houses which are rented primarily to transient guests for a period of fewer than fourteen (14) days." Richmond Municipal Code § 11.100.030. Rent Board Regulation 201 mirrors R.M.C § 11.100.030 but does not clarify the meaning of rooming and boarding houses. To aid both Landlords and Tenants in understanding their respective rights and obligations, staff finds it necessary to adopt a Regulation clarifying the meaning of rooming and boarding houses.

## 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

- Presentation/Proclamation/Commendation (3-Minute Time Limit)
- Public Hearing                       Regulation                       Other:
- Contract/Agreement                       Rent Board As Whole
- Grant Application/Acceptance                       Claims Filed Against City of Richmond
- Resolution                       Video/PowerPoint Presentation (contact KCRT @ 620.6759)

**RECOMMENDED ACTION:** ADOPT Regulation 201.5, defining the meaning of rooming and boarding houses and creating standards that must be followed when determining whether a property is considered a rooming and boarding house – Rent Program (Nicolas Traylor/Charles Oshinuga 620-6564).

AGENDA ITEM NO:

**H-1.**



# AGENDA REPORT

**DATE:** July 18, 2018

**TO:** Chair Gray and members of the Rent Board

**FROM:** Nicolas Traylor, Executive Director  
Charles Oshinuga, Staff Attorney

**SUBJECT:** REGULATION CLARIFYING THE MEANING OF ROOMING AND BOARDING HOUSES

## **STATEMENT OF THE ISSUE:**

The Richmond Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance ("Rent Ordinance") fully exempts from its provisions "Rental Units in hotels, motels, inns, tourist homes and rooming and boarding houses which are rented primarily to transient guests for a period of fewer than fourteen (14) days." *Richmond Municipal Code § 11.100.030*. Rent Board Regulation 201 mirrors R.M.C § 11.100.030 but does not clarify the meaning of rooming and boarding houses. To aid both Landlords and Tenants in understanding their respective rights and obligations, staff finds it necessary to adopt a Regulation clarifying the meaning of rooming and boarding houses.

## **RECOMMENDED ACTION:**

ADOPT Regulation 201.5, defining the meaning of rooming and boarding houses and creating standards that must be followed when determining whether a property is considered a rooming and boarding house – Rent Program (Nicolas Traylor/Charles Oshinuga 620-6564).

## **FISCAL IMPACT:**

There is no fiscal impact related to this item.

## **DISCUSSION:**

### Background

Both the Rent Ordinance and existing Rent Board Regulations provide that rooming and boarding houses that have been rented primarily to transient guests for a period of

fewer than fourteen (14) days are fully exempt from the provisions of the Rent Ordinance. While the Rent Ordinance and existing Regulations provide a full exemption from both Rent Control and Just Cause for Eviction, neither explain what constitutes a rooming and boarding house. This lack of clarity complicates determining whether or not a property is fully exempt, since the full exemption is predicated upon whether the property is a rooming and boarding house. To that end, staff members are proposing a Regulation to define rooming and boarding houses and establish a list of factors staff must consider when making a determination as to what constitutes a rooming and boarding house.

Proposed Regulation 201.5 utilizes Richmond's Zoning Code definition of rooming and boarding houses to clarify both the Rent Ordinance and existing Regulation's usage of the word rooming and boarding consistent with existing City policy.

Richmond Municipal Code Section 15.04.020(122) states:

Rooming or boarding house means any building or portion thereof other than a hotel where lodging is available for permanent occupancy and is provided with or without meals for 5 or more persons for compensation. Definition includes clubs, fraternities, and sororities, etc.

It is important to remain within the bounds of Richmond Municipal Code Section 15.04.020(122), as the Zoning provisions are used in Richmond's General Plan and two entirely separate definitions may lead to confusion and unintended consequences. To avoid inconsistencies with Richmond's Zoning Code, the proposed Regulation 201.5 closely resembles the definition provided in Richmond Municipal Code Section 15.04.020(122). While remaining within the bounds of the Richmond Zoning Code, Regulation 201.5 offers additional clarity by explaining that the rooms offered for rent must be offered for rent or rented to at least five (5) separate individuals under separate Rental Housing Agreements. Regulation 201.5 also creates factors that staff members and/or the hearing examiner must consider when making a determination as to whether a property is a rooming and boarding house, such as whether the Landlord or Tenant maintains control over Tenant replacement, whether there is a single or multiple Rental Housing Agreement, the relationship between the Tenants of the Rooming and Boarding house, etc. Aside from these factors, Regulation 201.5 reaffirms that both Landlords and Tenants retain their rights to challenge the exempt/non-exempt of a property via Chapter 2 (Applicability) and Chapter 4 (Registration & Fees) of the Rent Board's adopted Regulations.

### Conclusion

Staff members recommend the Rent Board adopt the aforementioned Regulation to clarify the meaning of rooming and boarding houses so that Landlords and Tenants better ascertain their rights and obligations under the Rent Ordinance.

**DOCUMENTS ATTACHED:**

Attachment 1 – Regulation 201.5

# ITEM H-1 ATTACHMENT 1

## 201.5 Rooming and Boarding Houses.

- A. For purposes of Regulation 201, Rooming and Boarding house(s) shall mean any building or portion thereof other than a hotel containing at least five (5) rooms individually offered for rent or rented to at least five tenants under separate Rental Housing Agreements.
- B. Where any building, structure, or part thereof is considered a Rooming and Boarding house, each room shall be treated as an individual Rental Unit and must be individually registered with the Rent Program, in a manner consistent with Chapter 4 of these Regulations.
- C. Use of a single Rental Housing Agreement shall not be dispositive in determining whether a building, structure, or part thereof is a Rooming and Boarding house. Rather, the following factors shall be considered by the Rent Program when determining whether a building, structure, or part thereof is a Rooming and Boarding house:
  - a. Whether the Landlord or Tenant maintains control over Tenant Replacement;
  - b. Whether there is a single or multiple Rental Housing Agreement(s);
  - c. The relationship between the Tenants of the Rooming and Boarding house;
  - d. How Rent is distributed, collected, and/or paid to the Landlord;
  - e. Access to common areas and/or housing services; and
  - f. The period of occupancy set forth in each single or multiple Rental Housing Agreement.

This is not an exhaustive list and the Rent Program may consider other evidence that has a tendency to prove or disprove that a particular building, structure, or part thereof is a Rooming and Boarding house.