

CHAPTER 11: SECURITY DEPOSITS

1101. Security Deposit Cannot be Increased During the Tenancy

- A. At the inception of a tenancy, a Landlord may set the security deposit in accordance with California Civil Code Section 1950.5 et seq, as amended. However, where a Landlord demands, accepts, or retains any payment as a security deposit within the meaning of California Civil Code Section 1950.5 et seq, as amended, the security deposit shall not be increased during the tenancy. The tenancy shall be measured by the existence of at least one original occupant occupying the Rental Unit as described in Regulation 703 and Regulation 706 . Where all of the original occupants have voluntarily vacated the Rental Unit, the Landlord may reset the security deposit amount in accordance with California Civil Code Section 1950.5 et seq, as amended, and other applicable State law.
- B. Notwithstanding Regulation 1101(A), where a pet is not a service animal or assistance animal, which includes emotional support animals, and where pets were prohibited or limited under the Rental Housing Agreement, a landlord may file a petition for an upward adjustment of the security deposit if the tenant provides written consent to the security deposit increase in exchange for being allowed to have a pet or pets. If an increase in the security deposit is granted, in no event shall the total security deposit exceed the limitations provided in California Civil Code Section 1950.5, et seq, as amended. Nothing in this section shall abrogate any rights afforded by Local, State or Federal law, including but not limited to, the Fair Housing Act and California Fair Employment and Housing Act.

[Adopted July 18, 2018]

1102. Security Deposit as Rent Overcharges

- A. Richmond Municipal Code Section 11.100.030(j) defines security deposit as Rent. Where a security deposit, or increase in a security deposit, is demanded, accepted, or retained in violation of Regulation 1101(A), there exists a Rent increase. A Tenant may file a Petition for Rent Overcharges pursuant to Regulation 911 with the Richmond Rent Program to challenge the Rent increase.
- B. California Civil Code Section 1950.5 et seq., as amended, establishes a Landlords' obligation to return a security deposit. Where a Landlord retains a security deposit in violation of California Civil Code 1950.5 et seq, as amended, such an act shall constitute a Rent overcharge and a Tenant may bring a petition for Rent Overcharges pursuant to Regulation 911 with the Richmond Rent Program.

[Adopted July 18, 2018]