



## REGULAR MEETING OF THE RENT BOARD OF THE CITY OF RICHMOND

CITY COUNCIL CHAMBERS, COMMUNITY SERVICES BUILDING  
440 Civic Center Plaza, Richmond, CA 94804

**Wednesday, April 17, 2019**

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### **Boardmembers**

(Vacant Position)

Virginia Finlay

Emma Gerould

David Gray

Lauren Maddock

***Link to Rent Board Meeting Agendas and Accompanying Materials:***

[www.ci.richmond.ca.us/3375/Rent-Board](http://www.ci.richmond.ca.us/3375/Rent-Board)

### **COMMUNICATION ACCESS INFORMATION**

This meeting is being held in a wheelchair accessible location. To request disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact Bruce Soublet, ADA Coordinator, at (510) 620-6509 at least three business days before the meeting date.

### **NOTICE TO PUBLIC**

The City of Richmond encourages community participation at public meetings and has established procedures that are intended to accommodate public input in a timely and time-sensitive way. As a courtesy to all members of the public who wish to participate in Rent Board meetings, please observe the following procedures:

**Public Comment on Agenda Items:** Persons wishing to speak on a particular item on the agenda shall file a speaker form with City staff **PRIOR** to the Rent Board's consideration of the item on the agenda. Once the clerk announces the item, only those persons who

have previously submitted speaker forms shall be permitted to speak on the item. Each speaker will be allowed up to two minutes to address the Rent Board.

Public Forum: Individuals who would like to address the Rent Board on matters not listed on the agenda or on items remaining on the consent calendar may do so under Public Forum. All speakers must complete and file a speaker's card with City staff prior to the commencement of Public Forum. The amount of time allotted to individual speakers shall be determined based on the number of persons requesting to speak during this item. The time allocation for each speaker will be as follows: 15 or fewer speakers, a maximum of 2 minutes; 16 to 24 speakers, a maximum of 1 and one-half minutes; and 25 or more speakers, a maximum of 1 minute.

Conduct at Meetings: Richmond Rent Board meetings are limited public forums during which the City strives to provide an open, safe atmosphere and promote robust public debate. Members of the public, however, must comply with state law, as well as the City's laws and procedures and may not actually disrupt the orderly conduct of these meetings. The public, for example, may not shout or use amplifying devices, must submit comment cards and speak during their allotted time in order to provide public comment, may not create a physical disturbance, may not speak on matters unrelated to issues within the jurisdiction of the Rent Board or the agenda item at hand, and may not cause immediate threats to public safety.

City Harassment Policy: The City invites public comment and critique about its operations, including comment about the performance of its public officials and employees, at the public meetings of the City Council and boards and commissions. However, discriminatory or harassing comments about or in the presence of City employees, even comments by third parties, may create a hostile work environment, if severe or pervasive. The City prohibits harassment against an applicant, employee, or contractor on the basis of race, religious creed, color, national origin, ancestry, physical disability, medical condition, mental disability, marital status, sex (including pregnancy, childbirth, and related medical conditions), sexual orientation, gender identity, age or veteran status, or any other characteristic protected by federal, state or local law. In order to acknowledge the public's right to comment on City operations at public meetings, which could include comments that violate the City's harassment policy if such comments do not cause an actual disruption under the Council Rules and Procedures, while taking reasonable steps to protect City employees from discrimination and harassment, City Boards and Commissions shall adhere to the following procedures. If any person makes a harassing remark at a public meeting that violates the above City policy prohibiting harassment, the presiding officer of the meeting may, at the conclusion of the speaker's remarks and allotted time: (a) remind the public that the City's Policy Regarding Harassment of its Employees is contained in the written posted agenda; and (b) state that comments in violation of City policy are not condoned by the City and will play no role in City decisions. If any person makes a harassing remark at a public meeting that violates the above City policy, any City employee in the room who is offended by remarks violating the City's policy is excused from attendance at the meeting. No City employee is compelled to remain in attendance

where it appears likely that speakers will make further harassing comments. If an employee leaves a City meeting for this reason, the presiding officer may send a designee to notify any offended employee who has left the meeting when those comments are likely concluded so that the employee may return to the meeting. The presiding officer may remind an employee or any council or board or commission member that he or she may leave the meeting if a remark violating the City's harassment policy is made.

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## REGULAR MEETING OF THE RICHMOND RENT BOARD

### AGENDA

5:00 PM

**A. PLEDGE TO THE FLAG**

**B. ROLL CALL**

**C. STATEMENT OF CONFLICT OF INTEREST**

**D. AGENDA REVIEW**

**E. PUBLIC FORUM**

**F. RENT BOARD CONSENT CALENDAR**

**F-1.** APPROVE the minutes of the March 20, 2019, Regular Meeting of the Richmond Rent Board. *Cynthia Shaw*

**F-2.** RECEIVE letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100. *Cynthia Shaw*

**F-3.** RECEIVE the March 2019 Rent Program Monthly Report. *Paige Roosa*

**F-4.** RECEIVE the Rent Program FY 2018-19 Monthly Revenue and Expenditure Report through March 2019. *Paige Roosa*

**G. STUDY AND ACTION SESSION**

**G-1.** RECEIVE a presentation from Rent Program staff members concerning a proposed Owner Move-In regulation and DIRECT staff to hold at least two workshops to solicit feedback from community members concerning Owner Move-In evictions. *Nicolas Traylor  
Paige Roosa*

**H. REPORTS OF OFFICERS**

**I. ADJOURNMENT**

***Any documents produced by the City and distributed to a majority of the Rent Board regarding any item on this agenda will be made available at the Rent Program Office located on the second floor of 440 Civic Center Plaza and will be posted at [www.richmondrent.org](http://www.richmondrent.org).***

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: April 17, 2019

Final Decision Date Deadline: April 17, 2019

**STATEMENT OF THE ISSUE:** The minutes of the March 20, 2019, Regular Meeting of the Richmond Rent Board require approval.

## 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:** APPROVE the minutes of the March 20, 2019, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

**F-1.**

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**RICHMOND, CALIFORNIA, March 20, 2019**

The Regular Meeting of the Richmond Rent Board was called to order at 5:03 P.M.

**PLEDGE TO THE FLAG**

**ROLL CALL**

**Present:** Boardmembers Finlay, Maddock, and Chair Gray.  
**Absent:** Vice Chair Gerould.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

None.

**PUBLIC FORUM**

Cordell Hindler invited the Rent Board to attend community events that will be held during the month of March. He also invited Rent Boardmembers to attend the Contra Costa Mayors conference in the month of May, in the city of Lafayette, CA. He will provide additional information on that event at the April meeting. He also reported that he received comments from the Richmond Heights Neighborhood Council that they enjoyed the presentation on Rent Control that Executive Director, Nicolas Traylor gave at their meeting held in March. He also mentioned that he will reach out to other Neighborhood Councils to coordinate a time for the Rent Program to provide a presentation on Rent Control.

Mitchell Jamerson expressed concern about 45 fraudulent foreclosed homes that he claims that Mr. Traylor is listing that Dalin LLC owns. He feels that the Rent Program is profiting from the fraudulent foreclosed homes. He also expressed concerns about his photo posted in the Civic Center lobby. He mentioned that Mr. Traylor should file a police report against him if he feels that he is causing problems rather than posting his photo in the Civic Center lobby. He also encouraged Mr. Traylor to be honest and to do the right thing.

**RENT BOARD CONSENT CALENDAR**

On motion of Boardmember Finlay, seconded by Chair Gray, the item(s) marked with an (\*) were approved with Vice Chair Gerould absent.

\*F-1. Approve the minutes of the February 20, 2019, Regular Meeting of the Richmond Rent Board.

\*F-2. Receive the February 2019 Rent Program Monthly Report.

\*F-3. Receive the Rent Program FY 2018-19 Monthly Revenue and Expenditure Report through February 2019.

\*F-4. Receive Proposed Rent Program Calendar

**PUBLIC HEARING**

G-1. The matter to (1) adopt revised Fiscal Year 2019-20 Budget Option A; (2) receive and approve the Fiscal Year 2019-20 Residential Rental Housing Fee Study; (3) direct staff to prepare a resolution, consistent with the Rent Board's approved Fee Study and Budget, recommending to the City Council approval of the Fiscal Year 2019-20 Residential Rental Housing Fees in the amount of \$212.00 per Controlled Rental Unit and \$112.00 per Partially Covered Rental Unit, which includes Governmentally Subsidized Rental Units; and (4) approve a revision to the salary of the Executive Director to reflect the budgeted amount in the proposed Fiscal Year 2019-20 budget, effective on July 1, 2019, was presented by Deputy Director Paige Roosa. The presentation included a statement of the issue, a revised FY 2019-20 Budget Option which included: incorporation of Rent Board feedback, additional modifications, and a budget summary; a revised FY 2019-20 Rental Housing Fee Study which included: rental housing fees for each budget options A & B, comparison of proposed FY 2019-20 fee to prior years, the proposed elimination of a "third tier" lesser fee for governmentally-subsidized rental units, a comparison to peer jurisdictions, next steps and the recommended action. Discussion ensued. The following individuals gave comments: Cordell Hindler, Brian (no last name given) and Ilona Clark. A motion by Boardmember Finlay, seconded by Chair Gray, to adopt revised Fiscal Year 2019-20 Budget Option A and approve the Fiscal Year 2019-20 Residential Rental Housing Fee Study and direct staff to prepare a resolution, consistent with the Rent Board's approved Fee Study and Budget, recommending to

the City Council approval of the Fiscal Year 2019-20 Residential Rental Housing Fees in the amount of \$212.00 per Controlled Rental Unit and \$112.00 per Partially Covered Rental Unit, which includes Governmentally Subsidized Rental Units; and to approve a revision to the salary of the Executive Director to reflect the budgeted amount in the proposed Fiscal Year 2019-20 budget, effective on July 1, 2019, with a friendly amendment to the motion regarding the Executive Director's salary made by Chair Gray, to approve the budgeted salary amount in Budget Option A and direct staff to return to the board with recommendations of a process for performance reviews for the Board to review, passed by the following vote: **Ayes:** Boardmembers Finlay, Maddock, and Chair Gray. **Noes:** None. **Absent:** Vice Chair Gerould.

### **CONSIDERATION OF APPEALS**

H-1. Staff Attorney Charles Oshinuga presented on the matter of Appeal regarding Petition No. RC18-T008 (1918 Roosevelt Ave., Upstairs and Downstairs units). Landlord appeals a Hearing Examiner's decision that (1) found that the subject property contains two dwelling units, thus subjecting it to the full provisions of the Richmond Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance; and (2) voided the Landlord's attempted rent increase. The presentation included a general overview of the appeal process which included the overview of terms, appeal process, appeal steps, submitting appeal form, responding to an appeal, what happen when an appeal is filed, general structure of an appeal hearing, appeal hearing that is not De Novo, the De Novo appeal hearing process, ruling on an appeal, and decorum. All parties of the case were present. The appellant requested a De Novo appeal hearing. After conversation, the Board voted not to have the De Novo hearing. The appeal hearing began and the following individuals presented their case: Attorney Robert Lane, Juan Pedro Flores Guzman and Manuel Magdaleno. After hearing the issues brought on appeal and considering the testimony of all parties on appeal, the Board adopted Legal Staff's recommendation and Affirmed the Hearing Examiner's Decision.

### **REPORTS OF OFFICERS**

Executive Director Nicolas Traylor gave a brief report on the upcoming Navigating the Eviction Process in Richmond workshop on Saturday, March 30, 2019. He also gave thanks to Rent Program Services Analyst Philip Verma for doing a great job translating the Board's first appeal. He also mentioned that he will

research the information for conducting performance evaluations for senior staff members. Chair Gray added that he will provide information as well to assist with Mr. Traylor's research.

Chair Gray thanked Rent Program staff members, Staff Attorney Charles Oshinuga and Administrative Analyst Cynthia Shaw for their patience, coordinating the hearing, preparing appeal documents and assisting Boardmembers with navigating the appeal process. He also thanked the Boardmembers for their patience, and acknowledged their hard work in preparing for our first appeal hearing.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:04 P.M.

Cynthia Shaw and Ramona Howell  
Staff Clerks

(SEAL)

Approved:

\_\_\_\_\_  
David Gray, Chair

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: April 17, 2019

Final Decision Date Deadline: April 17, 2019

**STATEMENT OF THE ISSUE:** Members of the community have sent letters to the Rent Board and Rent Program staff members. Staff members recommend letters that do not pertain to a specific item on the Rent Board agenda be included as consent items for consideration by the Rent Board.

## 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

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|---|--|--|
| <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:** RECEIVE letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100 – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:  
**F-2.**

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April 5, 2019

To: Richmond Rent Board

As a current renter and former owner  
I recommend that your annual allowable rent  
increases be less than 100% of that year's C.P.I.  
The C.P.I., after all, consists of more than just  
housing cost.

Sincerely,

Drury M. Schutz

Drury M. Schutz

510-235-2773



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# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: April 17, 2019

Final Decision Date Deadline: April 17, 2019

**STATEMENT OF THE ISSUE:** The Monthly Activity Report is designed to provide members of the Rent Board and Richmond community with a summary of the Rent Program's activities for the month. Staff members find it timely to begin producing such reports on a monthly basis.

## INDICATE APPROPRIATE BODY

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|---|---|--|--|---|
| <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

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|---|--|--|--|
| <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:** RECEIVE the March 2019 Rent Program Monthly Report - Rent Program (Paige Roosa 620-6537).

AGENDA ITEM NO:

**F-3.**

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## MEMORANDUM

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

**FROM:** Paige Roosa, Deputy Director

**DATE:** April 17, 2019

**SUBJECT:** MARCH 2019 MONTHLY ACTIVITY REPORT

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**Introduction**

The Monthly Activity Report is designed to provide members of the Rent Board and Richmond community with a summary of the Rent Program's activities for the month. It is anticipated that the format, content, and detail of this report will evolve over time. Feedback concerning this report may be submitted via email to [rent@ci.richmond.ca.us](mailto:rent@ci.richmond.ca.us) or by calling (510) 234-RENT (7368).

**March Department Highlights**

*Staff members mailed over 1,400 invoices and letters to property owners who have yet to submit Property Enrollment and Tenancy Registration Forms.*

Rental property information submitted by property owners through the comprehensive Property Enrollment and Tenancy Registration project allowed staff members to continue to generate accurate invoices for payment of the Fiscal Year 2018-19 Rental Housing Fee. For owners who have yet to submit the requisite forms, staff members conducted a mass mailing of invoices and an accompanying letter to inform owners that Property Enrollment and Tenancy Registration forms have yet to be received by the Rent Program office. In general, these letters were received positively, and resulted in a number of property owners contacting the Rent Program to achieve compliance with these new requirements. Staff members expect to receive a significant portion of outstanding revenue in the coming months.

*Senior staff members attended the annual Rent Board Consortium to exchange information and lessons learned with other jurisdictions in the state of California with rent control and just cause for eviction ordinances.*

The 2019 Rent Board Consortium was attended by staff representatives hailing from a record number of 12 rent-controlled jurisdictions in California. The day-long event presented ample opportunities for staff members to exchange ideas and experiences concerning outreach methods, billing strategies, and property databases. Staff members look forward to our continued participation and attendance at this annual event.



*The March Community Workshop, titled “Navigating the Eviction Process in Richmond (Tenant-Oriented)” centered on the Just Cause for Eviction and Unlawful Detainer (eviction) process in the City of Richmond.*

The March Community Workshop was attended by 13 community members, who received detailed information about the Just Cause for Eviction provisions of the Rent Ordinance, and the Unlawful Detainer process following the termination of a tenancy. Rent Program Services Analyst Vickie Medina conducted a presentation of the applicability of the Rent Ordinance on different types of rental properties, the eight Just Causes for Eviction in Richmond, termination of tenancy noticing requirements, the Unlawful Detainer process, and tips and pitfalls concerning eviction cases. Following the presentation, community members were provided an opportunity to ask questions of staff. Presentation materials are accessible at <http://www.ci.richmond.ca.us/3541/Workshops>.

**Summary of Activities**

I. Department Unit Activities

<b>FRONT OFFICE UNIT</b>	<i>Occurrences</i>
<b>Persons Assisted By Front Office Unit (without referral to an Analyst)</b>	<b>279</b>
Declarations of Exemption Processed	13
Enrollment Forms Processed	206
Invoices Generated	132
Termination of Tenancy Informational Letters mailed to Property Owners and Tenants in receipt of a Notice of Termination of Tenancy filed with the Rent Program	12
Hard Copy Termination Notices Processed	15
Hard Copy Rent Increase Notices Processed	0

<b>PUBLIC INFORMATION UNIT</b>	<i>Occurrences</i>
<b>Total Consultations Provided by a Rent Program Services Analyst</b>	<b>471</b>
Calls Received ( <i>Phone Counseling Sessions</i> )	260
Walk-Ins ( <i>Includes Appointments</i> )	123
Emails Received	88
<b>Total Consultations Provided in a Language other than English</b>	<b>70</b>
Consultations Provided in Spanish	70
Consultations Provided in Cantonese	0
Legal Service Referral Forms Completed	7
Informal Mediations Conducted	6
Formal Mediations Held	0
Courtesy Compliance Letters Mailed	7
Invoices Generated	34

## ITEM F-3

<b>PUBLIC INFORMATION UNIT (continued)</b>	<i>Occurrences</i>
Community Workshop Attendees (3/30/19 - Navigating the Eviction Process in Richmond, Tenant-Oriented)	13
Tenants Assisted	96
Landlords Assisted	89
Property Managers Assisted	9
Realtors Assisted	0
Prospective Purchasers of Rental Property Assisted	4

<b>BILLING AND REGISTRATION UNIT</b>	<i>Occurrences</i>
<b>Total Consultations with a Billing and Registration Unit Staff Member</b>	<b>287</b>
Phone Call Consultations	233
Walk-In Consultations	7
Email Consultations	47
Enrollment/Tenancy Registration Packets Mailed	24
Enrollment Forms Processed	447
Tenancy Registration Forms Processed	0
Invoices Generated	3,623
Payments/Checks Processed	383
Compliance Actions ( <i>reviewing records, exemption statuses, owner addresses</i> )	255
Property Information Updated	218
Payments Returned	1
Refunds Issued	0
Total Monthly Revenue Collected (3/01/19 - 3/31/19)	\$204,070
Total Revenue Collected in FY 2018-19 ( <i>through 03/31/19</i> )	\$1,286,340
Total Revenue Collected in FY 2017-18 ( <i>07/01/17 - 06/30/18</i> )	\$1,878,330

<b>LEGAL UNIT</b>	<i>Occurrences</i>
Public Records Act Requests Received	3
Withdrawal from Rental Market (Ellis Act) Termination Notices Reviewed	2
Owner Move-In Termination Notices Reviewed	1
Temporary Termination for Substantial Repairs to Rental Unit Notices Reviewed	1

<b>HEARINGS UNIT</b>	<i>Occurrences</i>
<b>Total Landlord Petitions Received</b>	<b>1</b>
Petitions for Increased Number of Occupants Received	1

## ITEM F-3

HEARINGS UNIT (continued)	Occurrences
<b>Total Tenant Petitions Received</b>	<b>5</b>
Excess Rent or Failure to Return Security Deposit Petitions Received	2
Tenant Petitions Based on Multiple Grounds Received	1
<b>Total Other Petitions/Submissions Received</b>	<b>2</b>
Request to Expedite Hearing Process Submissions Received	1
Subpoenas Received	1
<b>Total Number of Cases Closed</b>	<b>4</b>
Decisions Ordered	0
Cases Settled	3
Petitions Withdrawn	1
Cases Appealed	0
<b>Total Number of Calls/Walk-Ins/Emails</b>	<b>49</b>
Calls/Placed Received ( <i>Regarding Hearings and Petitions</i> )	14
Walk-Ins ( <i>Regarding Hearings and Petitions</i> )	5
Emails Sent/Received ( <i>Regarding Hearings and Petitions</i> )	30

### II. Online Notices Filed with the Rent Program

<i>Type of Form</i>	<i>Monthly Submissions/ Notices Filed</i>	<i>Prior Month Total</i>	<i>% Change from Prior Month</i>
Proof of Excess Rent Refund	0	1	-100%
Change in Terms of Tenancy Notices Filed	17	14	21.4%
Rent Increase Notices Filed	101	80	26.3%
Termination Notices Filed <sup>1</sup>	326	489	-33.3%
<i>Applicable Just Cause for Eviction – Nonpayment of Rent</i>	310	479	-35.3%
<i>Applicable Just Cause for Eviction – Breach of Lease</i>	12	6	100%
<i>Applicable Just Cause for Eviction – Nuisance</i>	2	2	0%
<i>Applicable Just Cause for Eviction – Failure to Give Access</i>	2	1	100%

<sup>1</sup> Note: Termination Notices filed with the Rent Program does not indicate the number of Unlawful Detainer (eviction) lawsuits filed in court. In some cases, the Tenant may cure the issue for the notice (e.g. Tenant pays the rent that is due) and the eviction process is not initiated.

**ITEM F-3**

<i>Type of Form</i>	<i>Monthly Submissions/ Notices Filed</i>	<i>Prior Month Total</i>	<i>% Change from Prior Month</i>
<i>Applicable Just Cause for Eviction – Temporarily Vacate in Order to Undertake Substantial Repairs</i>	1	1	0%
Agent Authorization	1	4	-75.0%
<b>Total Online Form Submissions/Notices Filed</b>	<b>445</b>	<b>588</b>	<b>-24.3%</b>

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# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: April 17, 2019

Final Decision Date Deadline: April 17, 2019

**STATEMENT OF THE ISSUE:** The Rent Program receives monthly variance reports from the City of Richmond Finance Department. These reports provide useful information on the Rent Program's revenues and expenditures throughout the fiscal year. Finance Department staff members have agreed to provide these reports to staff on a schedule that will permit them to be included in the agenda for the Rent Board's regularly scheduled meetings.

## 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

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|---|--|--|
| <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:** RECEIVE the Rent Program FY 2018-19 Monthly Revenue and Expenditure Report through March 2019 – Rent Program (Paige Roosa 620-6537).

AGENDA ITEM NO:

**F-4.**

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Rent Program  
FY2018-19 Monthly Revenue and Expenditure Report

CHARACTER	OBJECT	ORIGINAL BUDGET	REVISED BUDGET	Per 1 Jul-2018 MTD ACTUAL	Per 2 Aug-2018 MTD ACTUAL	Per 3 Sept-2018 MTD ACTUAL	Per 4 Oct-2018 MTD ACTUAL	Per 5 Nov-2018 MTD ACTUAL	Per 6 Dec-18 MTD ACTUAL	Per 7 Jan-19 MTD ACTUAL	Per 8 Feb-19 MTD ACTUAL	Per 9 Mar-19 MTD ACTUAL	ENCUMBRANCES	YTD TOTAL	AVAILABLE BUDGET	% USED		
34	LICENSES, PRMITS&FEES	340445	FEES/Admin Fees	(2,804,925.00)	(2,804,925.00)	(61,153.75)	(87,687.78)	(49,762.50)	(491,811.00)	(51,052.25)	(74,694.25)	(128,623.00)	(136,885.00)	(203,562.00)		(1,285,231.53)	(1,519,693.47)	45.8%
			<b>TOTAL LICENSES, PRMITS&amp;FEES</b>	<b>(2,804,925.00)</b>	<b>(2,804,925.00)</b>	<b>(61,153.75)</b>	<b>(87,687.78)</b>	<b>(49,762.50)</b>	<b>(491,811.00)</b>	<b>(51,052.25)</b>	<b>(74,694.25)</b>	<b>(128,623.00)</b>	<b>(136,885.00)</b>	<b>(203,562.00)</b>		<b>(1,285,231.53)</b>	<b>(1,519,693.47)</b>	<b>45.8%</b>
38	OTHER REVENUE	364855	OTHER REV/Misc Other Revenue				(20.60)				(75.00)			(22.40)		(118.00)	118.00	100.0%
			<b>TOTAL OTHER REVENUE</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(20.60)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>(75.00)</b>	<b>-</b>	<b>-</b>	<b>(22.40)</b>	<b>-</b>	<b>(118.00)</b>	<b>118.00</b>	<b>100.0%</b>
			<b>TOTAL REVENUE</b>	<b>(2,804,925.00)</b>	<b>(2,804,925.00)</b>	<b>(61,153.75)</b>	<b>(87,708.38)</b>	<b>(49,762.50)</b>	<b>(491,811.00)</b>	<b>(51,052.25)</b>	<b>(74,769.25)</b>	<b>(128,623.00)</b>	<b>(136,885.00)</b>	<b>(203,584.40)</b>	<b>-</b>	<b>(1,285,349.53)</b>	<b>(1,519,575.47)</b>	<b>45.8%</b>
40	SALARIES AND WAGES	400001	SALARIES & WAGES/Executive	470,660.00	470,660.00	43,808.34	44,156.70	44,212.68	44,212.68	44,212.68	44,212.68	44,212.68	44,212.68	44,212.68		397,453.80	73,206.20	84.4%
40	SALARIES AND WAGES	400002	SALARIES & WAGES/Mgmt-Local 21	242,235.00	339,735.00	19,837.94	19,837.94	19,837.94	29,118.23	26,024.80	24,445.70	25,570.84	26,665.44	26,665.44		218,004.27	121,730.73	64.2%
40	SALARIES AND WAGES	400003	SALARIES & WAGES/Local 1021	119,474.00	119,474.00	10,783.02	10,783.02	10,783.02	10,783.02	10,987.78	10,987.78	10,987.78	10,987.78	10,987.78		98,070.98	21,403.02	82.1%
40	SALARIES AND WAGES	400006	SALARIES & WAGES/PT- Temp	77,530.00	77,530.00	2,276.74	5,707.84	4,616.42	2,981.22	4,401.34	4,113.23	2,902.15	4,570.85	3,801.24		35,371.03	42,158.97	45.6%
40	SALARIES AND WAGES	400031	OVERTIME/General	12,000.00	12,000.00	317.29	70.53	14.11	-	562.34	1,191.51	270.53	755.47	613.82		3,795.67	8,204.40	31.6%
40	SALARIES AND WAGES	400048	OTHER PAY/Bilingual Pay	1,674.00	1,674.00	549.59	484.82	484.82	484.82	546.69	776.66	592.73	614.62	614.62		5,149.37	(3,475.37)	307.6%
40	SALARIES AND WAGES	400049	OTHER PAY/Auto Allowance	4,200.00	4,200.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00		3,150.00	1,050.00	75.0%
40	SALARIES AND WAGES	400050	OTHER PAY/Medical- in Lieu of	4,200.00	4,200.00	350.00	350.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00		2,100.00	2,100.00	50.0%
			<b>TOTAL SALARIES AND WAGES</b>	<b>931,973.00</b>	<b>1,029,473.00</b>	<b>78,272.92</b>	<b>81,740.85</b>	<b>80,498.99</b>	<b>88,129.97</b>	<b>87,285.63</b>	<b>86,277.56</b>	<b>85,086.71</b>	<b>88,356.84</b>	<b>87,445.58</b>	<b>-</b>	<b>763,095.05</b>	<b>266,377.95</b>	<b>74.1%</b>
41	FRINGE BENEFITS	400103	P-ROLL BEN/Medicare Tax-ER Shr	12,303.00	12,303.00	1,160.03	1,188.56	1,180.49	1,292.29	1,269.08	1,255.38	1,237.20	1,295.50	1,271.41		11,149.94	1,153.06	90.6%
41	FRINGE BENEFITS	400104	P-ROLL BEN/PERS Benefits			20,717.85	16,042.21									36,760.06	(36,760.06)	100.0%
41	FRINGE BENEFITS	400105	P-ROLL BEN/Health Insurance Be	142,999.00	142,999.00	11,256.12	11,256.12	12,037.77	13,601.43	12,819.60	12,629.14	12,629.14	12,629.14	12,629.14		111,487.60	31,511.40	78.0%
41	FRINGE BENEFITS	400106	P-ROLL BEN/Dental Insurance	13,347.00	13,347.00	1,108.35	1,108.35	1,108.35	1,354.65	1,231.50	1,231.50	1,231.50	1,231.50	1,231.50		10,837.20	2,509.80	81.2%
41	FRINGE BENEFITS	400109	P-ROLL BEN/Employee Assistance	414.00	414.00	32.76	32.76	40.04	36.40	36.40	36.40	36.40	36.40	36.40		320.32	93.68	77.4%
41	FRINGE BENEFITS	400110	P-ROLL BEN/Professional Dev-Mg	5,250.00	5,250.00	1,500.00	686.09	750.00			63.91					3,000.00	2,250.00	57.1%
41	FRINGE BENEFITS	400111	P-ROLL BEN/Vision	1,953.00	1,953.00	162.90	162.90	144.90	177.10	161.00	161.00	161.00	161.00	161.00		1,452.80	500.20	74.4%
41	FRINGE BENEFITS	400112	P-ROLL BEN/Life Insurance	2,730.00	2,730.00	423.58	423.58	423.58	511.43	471.34	471.34	471.34	471.34	471.34		4,138.87	(1,408.87)	151.6%
41	FRINGE BENEFITS	400114	P-ROLL BEN/Long Term Disabilit	8,712.00	8,712.00	721.04	724.02	724.02	873.74	798.88	759.03	806.63	806.63	806.63		7,020.62	1,691.38	80.6%
41	FRINGE BENEFITS	400116	P-ROLL BEN/Unemployment Ins	4,104.00	4,104.00	456.00	456.00	418.00	494.00	456.00	456.00	456.00	456.00	456.00		4,104.00	-	100.0%
41	FRINGE BENEFITS	400117	P-ROLL BEN/Personal/Prof Dev	1,500.00	1,500.00								750.00			750.00	750.00	50.0%
41	FRINGE BENEFITS	400121	P-ROLL BEN/Worker Comp-Clerica	10,023.00	10,023.00	1,038.35	1,351.44	1,224.08	1,033.25	1,198.97	1,165.35	1,024.02	1,218.76	1,128.94		10,383.16	(360.16)	103.6%
41	FRINGE BENEFITS	400122	P-ROLL BEN/Worker Comp-Prof	52,605.00	52,605.00	5,339.91	5,369.12	5,373.82	6,152.44	5,892.90	5,760.41	5,854.82	5,946.66	5,946.66		51,636.74	968.26	98.2%
41	FRINGE BENEFITS	400124	P-ROLL BEN/CON-MEDICL EE Share	(7,500.00)	(7,500.00)											-	(7,500.00)	0.0%
41	FRINGE BENEFITS	400127	P-ROLL BEN/OPEB	34,139.00	34,139.00	3,052.68	3,066.98	3,069.28	3,449.92	3,331.44	3,266.68	3,312.82	3,357.72	3,357.72		29,265.24	4,873.76	85.7%
41	FRINGE BENEFITS	400128	P-ROLL BEN/Pension Stabilizatr			547.27	274.47							(821.74)		-	-	100.0%
41	FRINGE BENEFITS	400130	P-ROLL BEN/PARS Benefits			29.60	75.12	60.19	38.75	57.47	56.07	38.48	59.42	49.42		464.52	(464.52)	100.0%
41	FRINGE BENEFITS	400131	P-ROLL BEN/CON-OPEB-EE Share	(7,200.00)	(7,200.00)											-	(7,200.00)	0.0%
41	FRINGE BENEFITS	400149	P-ROLL BEN/PERS-Misc	104,346.00	104,346.00		4,711.56	9,423.12	10,584.18	10,230.52	10,061.72	10,179.48	10,319.16	10,319.16		75,828.90	28,517.10	72.7%
41	FRINGE BENEFITS	400151	P-ROLL BEN/PERS-Misc (UAL)	105,819.00	105,819.00			11,337.66	12,597.40	12,597.40	12,597.40	12,597.40	12,597.40	12,597.40		86,922.06	18,896.94	82.1%
			<b>TOTAL FRINGE BENEFITS</b>	<b>485,544.00</b>	<b>485,544.00</b>	<b>47,546.44</b>	<b>46,243.19</b>	<b>47,244.11</b>	<b>52,950.62</b>	<b>50,552.50</b>	<b>49,971.33</b>	<b>50,036.23</b>	<b>51,336.63</b>	<b>49,640.98</b>	<b>-</b>	<b>445,522.03</b>	<b>40,021.97</b>	<b>91.8%</b>
42	PROF & ADMIN SERVICES	400201	PROF SVCS/Professional Svcs	169,500.00	72,000.00			1,084.39	11,070.28	9,857.86	789.28	1,483.92	406.12			36,159.46	35,840.54	50.2%
42	PROF & ADMIN SERVICES	400206	PROF SVCS/Legal Serv Cost	270,000.00	276,250.00		6,250.00	18,750.00	6,364.02	6,250.00	25,000.00	12,500.00	6,250.00	6,250.00	11,467.61	156,364.02	119,885.98	56.6%
42	PROF & ADMIN SERVICES	400220	PROF SVCS/Info Tech Services	3,000.00	3,000.00					541.87						541.87	2,458.13	18.1%
42	PROF & ADMIN SERVICES	400241	TRAVEL & TRNG/Meal Allowance	-	700.00						359.24					359.24	340.76	51.3%
42	PROF & ADMIN SERVICES	400242	TRAVEL & TRNG/Mileage	1,000.00	1,300.00				18.85	203.60		95.44				317.89	982.11	24.5%
42	PROF & ADMIN SERVICES	400243	TRAVEL & TRNG/Conf, Mtng Trng	10,500.00	10,500.00											-	10,500.00	0.0%
42	PROF & ADMIN SERVICES	400245	TRAVEL & TRNG/Tuition Rmb/Cer						800.00							800.00	(800.00)	100.0%
42	PROF & ADMIN SERVICES	400261	DUES & PUB/Memberships & Dues		824.00									823.75		823.75	0.25	100.0%
42	PROF & ADMIN SERVICES	400262	DUES & PUB/Books & Subs	200.00	200.00											-	200.00	0.0%
42	PROF & ADMIN SERVICES	400271	AD & PROMO/Advertising&Promo	2,000.00	2,000.00		3.00	655.00	490.34							1,148.34	851.66	57.4%
42	PROF & ADMIN SERVICES	400272	AD & PROMO/Community Events	10,000.00	10,000.00		69.96	74.93								144.89	9,855.11	1.4%
42	PROF & ADMIN SERVICES	400280	ADM EXP/Program Supplies						708.75	430.52	423.05	330.00	506.25			2,398.57	(2,398.57)	100.0%
			<b>TOTAL PROF &amp; ADMIN SERVICES</b>	<b>466,200.00</b>	<b>376,774.00</b>	<b>-</b>	<b>6,250.00</b>	<b>19,907.35</b>	<b>7,093.95</b>	<b>19,880.09</b>	<b>35,851.22</b>	<b>13,807.77</b>	<b>8,063.92</b>	<b>7,986.12</b>	<b>80,217.61</b>	<b>199,058.03</b>	<b>177,715.97</b>	<b>52.8%</b>
43	OTHER OPERATING	400231	OFF EXP/Postage & Mailing	50,000.00	47,000.00		1,434.62	352.68	442.11	1,224.65	4,896.05	260.10	366.75	1,183.35		10,160.31	36,839.69	21.6%
43	OTHER OPERATING	400232	OFF EXP/Printing & Binding	-	-				541.87	966.21		2,296.71	4,030.02			8,251.01	(8,251.01)	100.0%
43	OTHER OPERATING	400233	OFF EXP/Copying & Duplicating	5,000.00	8,000.00											-	8,000.00	0.0%
43	OTHER OPERATING	400304	RENTAL EXP/Equipment Rental	5,000.00	5,000.00								8,581.25			8,581.25	(3,581.25)	171.6%
43	OTHER OPERATING	400321	MISC EXP/Misc Contrib	3,000.00	3,000.00								3,000.00			3,000.00	-	100.0%
43	OTHER OPERATING	400322	MISC EXP/Misc Exp	10,000.00	8,176.00		376.21	870.51	101.22		182.23	136.91	31.97	343.38		2,042.43	6,133.57	25.0%
43	OTHER OPERATING																	

**Rent Program**  
**FY2018-19 Monthly Revenue and Expenditure Report**

**ITEM F-4**

CHARACTER	OBJECT	ORIGINAL BUDGET	REVISED BUDGET	Per 1 Jul-2018 MTD ACTUAL	Per 2 Aug-2018 MTD ACTUAL	Per 3 Sept-2018 MTD ACTUAL	Per 4 Oct-2018 MTD ACTUAL	Per 5 Nov-2018 MTD ACTUAL	Per 6 Dec-18 MTD ACTUAL	Per 7 Jan-19 MTD ACTUAL	Per 8 Feb-19 MTD ACTUAL	Per 9 Mar-19 MTD ACTUAL	ENCUMBRANCES	YTD TOTAL	AVAILABLE BUDGET	% USED
	400604 NONCAP ASST/Furniture <5k		500.00											-	500.00	0.0%
	400704 CAP OUTLAY/Furn & Equip>5,000		13,500.00						9,996.20				3,503.80	13,500.00	-	100.0%
	<b>TOTAL ASSET/CAPITAL OUTLAY</b>	<b>21,683.00</b>	<b>35,683.00</b>	<b>(11,649.27)</b>	<b>-</b>	<b>11,649.27</b>	<b>-</b>	<b>-</b>	<b>9,996.20</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>9,862.12</b>	<b>19,858.32</b>	<b>15,824.68</b>	<b>55.7%</b>
	<b>TOTAL EXPENDITURES</b>	<b>2,191,475.00</b>	<b>2,197,725.00</b>	<b>127,466.09</b>	<b>148,966.66</b>	<b>182,518.16</b>	<b>164,225.34</b>	<b>173,409.78</b>	<b>200,372.43</b>	<b>165,477.26</b>	<b>168,912.14</b>	<b>171,959.73</b>	<b>96,318.37</b>	<b>1,599,625.96</b>	<b>598,099.04</b>	<b>72.8%</b>
	<b>NET OPERATING (SURPLUS)/DEFICIT</b>	<b>(613,450.00)</b>	<b>(607,200.00)</b>	<b>66,312.34</b>	<b>61,258.28</b>	<b>132,755.66</b>	<b>(327,585.66)</b>	<b>122,357.53</b>	<b>125,603.18</b>	<b>36,854.26</b>	<b>32,027.14</b>	<b>(31,624.67)</b>	<b>96,318.37</b>	<b>314,276.43</b>	<b>(921,476.43)</b>	

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: April 17, 2019

Final Decision Date Deadline: April 17, 2019

**STATEMENT OF THE ISSUE:** Section 11.100.050(a)(6) of the Rent Ordinance permits a Landlord to recover possession of a Rental Unit in good faith for use and occupancy as a Primary Residence by a Landlord or the Landlord's spouse, children, parents, or grandparents. In the course of their work, staff members have encountered inquiries from members of the public as to the meaning of the Owner Move-In eviction provisions and are proposing the development of a regulation to further clarify the intent of the Rent Ordinance.

## 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: Study And Action Session
- 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:** RECEIVE a presentation from Rent Program staff members concerning a proposed Owner Move-In regulation and DIRECT staff to hold at least two workshops to solicit feedback from community members concerning Owner Move-In evictions – Rent Program (Nicolas Traylor/Paige Roosa 620-6564).

AGENDA ITEM NO:  
**G-1.**

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# AGENDA REPORT

**DATE:** April 17, 2019

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

**FROM:** Nicolas Traylor, Executive Director  
Paige Roosa, Deputy Director  
Vickie Medina, Rent Program Services Analyst

**SUBJECT:** PROPOSED OWNER MOVE-IN EVICTION REGULATION

## STATEMENT OF THE ISSUE:

Section 11.100.050(a)(6) of the Rent Ordinance permits a Landlord to recover possession of a Rental Unit in good faith for use and occupancy as a Primary Residence by a Landlord or the Landlord's spouse, children, parents, or grandparents. In the course of their work, staff members have encountered inquiries from members of the public as to the meaning of the Owner Move-In eviction provisions and are proposing the development of a regulation to further clarify the intent of the Rent Ordinance.

## RECOMMENDED ACTION:

RECEIVE a presentation from Rent Program staff members concerning a proposed Owner Move-In regulation and DIRECT staff to hold at least two workshops to solicit feedback from community members concerning Owner Move-In evictions – Rent Program (Nicolas Traylor/Paige Roosa 620-6564).

## FISCAL IMPACT:

There is no fiscal impact related to this item at this time.

## DISCUSSION:

### Background

Section 11.100.050 of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance and Relocation Ordinance (RMC 11.102) provides that a Landlord may take action to recover possession of a Rental Unit under the Owner Move-in "no-fault" eviction.

## ITEM G-1

Subsections 11.100.050(a)(6)(A)-(F) of the Rent Ordinance establish the following requirements, specific to the Owner Move-In provisions of the Ordinance :

(A) Landlord, as used in this Subsection (a)(6), shall only include a Landlord that is a natural person who has at least a fifty (50) percent recorded ownership interest in the Property.

(B) No eviction may take place for an "owner move-in" if the same Landlord or enumerated relative already occupies a unit on the property, or if a vacancy already exists on the property. At all times a Landlord may request a reasonable accommodation if the Landlord or enumerated relative is Disabled and another unit in Richmond is necessary to accommodate the person's disability.

(C) The notice terminating tenancy shall contain the name, address and relationship to the Landlord of the person intended to occupy the Rental Unit.

(D) The Landlord or enumerated relative must intend in good faith to move into the Rental Unit within ninety (90) days after the Tenant vacates and to occupy the Rental Unit as a primary residence for at least Thirty-Six (36) consecutive months. The Board may adopt regulations governing the determination of good faith.

(E) If the Landlord or relative specified on the notice terminating tenancy fails to occupy the unit within ninety (90) days after the Tenant vacates, the Landlord shall:

1. Offer the unit to the Tenant who vacated it; and
2. Pay to said Tenant all reasonable expenses incurred in moving to and from the unit.

(F) Eviction Protection for Elderly or Disabled Tenant. A Landlord may not evict a Tenant pursuant to this Subsection if the Tenant (1) has resided in the Rental Unit for at least five (5) years and is either at least 62 years old or Disabled; or (2) is certified as being terminally ill by the Tenant's treating physician. For the purposes of this Subsection, notwithstanding the above, a Landlord may evict a Tenant who qualifies for the exemption if the Landlord or enumerated relative who will occupy the unit also meets the criteria for this exemption and no other units are available.

In addition, Section 11.100.050(c) of the Rent Ordinance provides that all Tenants displaced due to termination of tenancy on the grounds of Temporary Termination in order to Undertake Substantial Repairs, Owner Move-In, or Withdrawal from the Rental Market, shall have the first right of refusal to return to the unit if it should ever be returned to the market by the Landlord or successor Landlord. The Rent charged shall be that Rent lawfully paid by the Tenant at the time the Landlord served the notice of termination of tenancy.

## Findings

In accordance with Section 11.100.060(s)(1) of the Rent Ordinance and Rent Board Regulation 1001, Landlords are required to file a copy of any notice of termination of tenancy with the Rent Program within two business days of service on the Tenant. To date, 36 owners have filed a termination of tenancy notice with the Rent Program indicating that the applicable Just Cause for Eviction is Owner Move-In.

In their interactions with Rent Program staff members, community members have raised questions about the Owner Move-In provisions of the Rent Ordinance for which further clarification through regulations is required to clarify the Rent Ordinance's intent.

These inquiries include questions such as:

- If two individuals own a duplex, each holding 50% ownership, may each individual conduct an Owner Move-In eviction on a unit on the property?
- Is the Tenant's first right of refusal to re-rent the Rental Unit, should it ever be placed back on the rental market, indefinite?
- If a Tenant was to re-rent a unit from which they were previously evicted on the grounds of Owner Move-In, in which case, under the first right of refusal provisions of the Rent Ordinance, they would be entitled to pay the Rent they paid at the time they received the notice of termination of tenancy, could the Landlord apply Annual General Adjustment rent increases to that Rent amount?
- For what length of time is a Landlord or Successor Landlord expected to track the whereabouts of a former Tenant evicted on the grounds of Owner Move-In, to provide them with the first right of refusal if the unit is re-rented?

Unlike in other cities with rent control and just cause for eviction policies, Landlords in Richmond are not required to submit documentation to the Rent Program to ensure the provisions of the Rent Ordinance are satisfied. Additional regulations could require Landlords to file with the Rent Program proof of occupancy, ownership interest, and offer the first right of refusal to a tenant displaced due to an Owner Move-In eviction. Regulations could also clarify the number of Owner Move-In evictions that could take place on a single property within a specific time period.

## Case Study Research

To better ascertain the regulatory requirements of Owner Move-in Eviction policies in other California cities, staff members reviewed Owner Move-In policies in Berkeley, Oakland, Los Angeles, San Francisco, San Jose, Santa Monica, and West Hollywood (Attachment 1). These cities were selected based on the following criteria:

## ITEM G-1

- The City is located in California
- The City has existing rent regulation and just cause for eviction laws
- The City currently regulates Owner Move-In Evictions

The case study research was conducted with jurisdictions that have similar regulations related to Owner Move-In evictions. However, specific policies differ in the following respects:

- Proof of ownership interest;
- Proof of owner occupancy;
- Allowable AGA rent increase after re-rental; and
- The Number of allowable move-in evictions by an owner or relative at the same property.

### Proposed Next Steps

Following direction from the Rent Board, staff members anticipate the following next steps:

- May/June 2019: Community Workshops conducted
- July 17, 2019, Regular Rent Board Meeting: Community feedback is presented to the Rent Board; Rent Board provides policy direction
- August 21, 2019, Regular Rent Board Meeting: A proposed regulation is presented to the Rent Board for potential adoption

### **DOCUMENTS ATTACHED:**

Attachment 1 – Owner Move-In Case Study Matrix

Attachment 2 – Example from the City of Berkeley

- Notice of Interest in Renewing Tenancy
- Notice of Eligibility for Additional Relocation Assistance
- Deposit of Owner Move-In Relocation Benefits and Challenge of Eligibility to Receive Benefits

Attachment 3 – Examples from the City of Los Angeles

- Declaration of Intent to Evict for Landlord Occupancy
- Declaration of Occupancy
- Owner Occupancy Notice to Landlord of Interest in Renewing Tenancy
- Notice of Landlord of Interest in Renewing Tenancy

## ITEM G-1

### Attachment 4 – Examples from the City of Oakland

- Certificate of No-Fault Eviction
- Certificate for Owner Occupancy of Property with Two or Three Units
- Certificate Upon Occupancy Following Owner or Relative Move-In Eviction
- Continued Certificate Upon Occupancy Following Owner or Relative Move-In Eviction
- Certificate Upon Re-Rental Following No-Fault Eviction

### Attachment 5 – Examples from the City of San Francisco

- Statement of Occupancy Following Service of Owner or Relative Move-In Eviction (Form 546A, 546B, and 546C)
- Request for Rescission of Owner Move-In Eviction Notice
- Notice of Tenant's Change of Address Following Owner or Relative Move-In Eviction

### Attachment 6 – Example from the City of San José

- On-Line Notice of Termination of Tenancy

### Attachment 7 – Examples from the City of Santa Monica

- Application for Exemption Owner-Occupancy of a Property of Three or Fewer Units includes:
  - Verification of Occupancy
  - Property Ownership
  - Tenant Information
  - Submission Checklist

### Attachment 8 – Examples from West Hollywood

- Relocation Counseling Assistance Form
- 60- Day Notice to Terminate Tenancy for Owner/Relative Occupancy
- Exemption Application

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Draft Owner Move-In Case Study Research

Jurisdiction	Code Section	Ownership Interest Requirement	Restriction on Number of Owner Move-In Evictions on a Property	Applicability of AGA Rent Increases if Unit is Placed Back on Rental Market (applies to rent-controlled units ONLY)	Administrative Requirements (E.g. forms required)	Additional Unique Provisions
BERKELEY	Rent Ordinance Sections 13.76.050.H, 13.76.130.A9, 13.76.130.9.J  Regulation Chapter 13 Section 1382	<ul style="list-style-type: none"> <li>➤ Landlords must have 50% interest in the property.</li> <li>➤ A married couple who together hold at least a recorded 50% ownership interest in a property, as community property or otherwise, satisfies the ownership requirement of Sections 13.76.050.H and 13.76.130.A9 of the Rent Ordinance.</li> <li>➤ An unmarried couple in a registered domestic partnership, who together hold at least a 50% recorded interest in a property, satisfies the ownership requirement of Sections 13.76.050.H and 13.76.130.A9 of the Rent Ordinance.</li> <li>➤ Property may not be combined to satisfy the 50% ownership requirement of Sections 13.76.050.H and 13.76.130.A9 of the Rent Ordinance.</li> <li>➤ Landlords must notify the tenant, at the time of giving notice terminating the tenancy, of the landlord's ownership interest in any residential properties in Berkeley where such interest is 10% or greater.</li> </ul>	<ul style="list-style-type: none"> <li>➤ One specific unit per property may be used for such occupancy under subsection 13.76.130A.9.a and that once a unit is used for such occupancy, all future occupancies under subsection 13.76.130A.9.a must be of that same unit.</li> <li>➤ If an owner has recovered possession for owner move-in by terminating a tenancy, then no other current or future landlords may recover possession for owner move-in by terminating a tenancy in any other rental unit on the property.</li> </ul>	<ul style="list-style-type: none"> <li>➤ AGA's may be applied when the tenant returns.</li> <li>➤ A landlord is not allowed to reset the rent to market for the first intervening tenancy.</li> </ul>	<p>The landlord and tenants are required to submit the following forms:</p> <ul style="list-style-type: none"> <li>➤ Notice of Interest in Renewing Tenancy (tenant form).</li> <li>➤ Deposit of Owner Move-In Relocation Benefits and Challenge of Eligibility to Receive Benefits (landlord form).</li> <li>➤ Deposit of Owner Move-In Relocation Benefits and Challenge of Eligibility to Receive Benefits</li> </ul>	<ul style="list-style-type: none"> <li>➤ The Ordinance bans evictions for owner or relative move-in if the tenant family includes minor children during the academic year.</li> <li>➤ The landlord may be required to pay an additional \$5,195 in relocation assistance to tenant households that qualify as low-income or include disabled or elderly tenants, minor children or tenancies that began prior to January 1, 1999.</li> <li>➤ If a landlord has at least a 10% ownership interest in 5 or more residential units in Berkeley, s/he may not evict a tenant who has lived on the property for 5 or more years and wishes to remain in the unit.</li> <li>➤ If a landlord has at least a 10% ownership interest in 4 or more residential units in Berkeley, s/he may not evict a tenant who is at least 60 years old or disabled, has lived on the property for 5 or more years, and wishes to remain in the unit.</li> </ul>

Draft Owner Move-In Case Study Research

Jurisdiction	Code Section	Ownership Interest Requirement	Restriction on Number of Owner Move-In Evictions on a Property	Applicability of AGA Rent Increases if Unit is Placed Back on Rental Market (applies to rent-controlled units ONLY)	Administrative Requirements (E.g. forms required)	Additional Unique Provisions
LOS ANGELES	LAMC Sections 151.09.A.B. 151.09.A8 151.30 151.30.A	<ul style="list-style-type: none"> <li>➤ A landlord may recover possession of a rental unit to occupy the unit as their primary place of residence for no less than two consecutive years, if the landlord possesses legal title to at least 25% of the property containing the rental unit.</li> <li>➤ A landlord may recover possession of a rental unit for an eligible family member (spouse, child, parent, grandparent, or grandchild) to make the unit their primary place of residence for no less than two consecutive years, if the landlord possesses legal title to at least 50% of the property containing the rental unit.</li> <li>➤ A landlord may recover possession of a rental unit for a resident manager only if the landlord is a natural person who possesses legal title to at least 50 percent of the property or is a beneficiary with an interest of at least 50 percent in a trust that owns the property.</li> </ul>	A landlord can recover possession of a unit for occupancy by the landlord or eligible family member only once for that person in each rental complex the landlord owns.	<ul style="list-style-type: none"> <li>➤ The rent level on a rental unit, after the family member or resident manager terminates occupancy, shall be restored to the rent level prior to the eviction, plus any automatic increases that are due.</li> <li>➤ The unit is not decontrolled when the family member or resident manager vacates, and the rent may not be raised to the market level.</li> </ul>	<p>Landlords are required to submit the following forms:</p> <ul style="list-style-type: none"> <li>➤ Declaration of Intent to Evict for Landlord Occupancy.</li> <li>➤ Declaration of Occupancy.</li> <li>➤ Owner Occupancy Notice to Landlord of Interest in Renewing Tenancy.</li> <li>➤ Notice of Landlord of Interest in Renewing Tenancy.</li> <li>➤ If a landlord desires to re-rent a rental unit that was the subject of a Landlord Occupancy Declaration within two years of the vacation of the rental unit, the landlord must file with the HCIDLA a Notice of Intention to Re-Rent Rental Unit. The form must be filed before renting or leasing the rental unit. (LAMC 151.30.G and 151.30.H).</li> </ul>	<ul style="list-style-type: none"> <li>➤ A landlord who recovers possession of a rental unit pursuant to the provisions of Subdivision 8 of Subsection A of Section 151.09 must, within thirty days preceding the first and second year anniversary of the tenant's vacation of the rental unit, file with the Department a statement under penalty of perjury regarding the continued occupancy of the rental unit by the landlord, eligible relative, or a resident manager. The statement must confirm the continued occupancy by the landlord, eligible relative, or a resident manager, or if the occupancy did not continue, the statement must explain why the rental unit is not occupied by such person.</li> <li>➤ Within three months of a tenant's vacation of a rental unit, a landlord who recovered possession of a rental unit pursuant to the provisions of Subdivision 8 of Subsection A. of Section 151.09 shall file with the Department a statement under penalty of perjury that the rental unit is occupied by the landlord, eligible relative, or resident manager for whom the landlord terminated the tenancy, or an explanation why the rental unit is not occupied by the landlord, eligible relative, or resident manager for whom the landlord terminated the tenancy.</li> </ul>

Draft Owner Move-In Case Study Research

Jurisdiction	Code Section	Ownership Interest Requirement	Restriction on Number of Owner Move-In Evictions on a Property	Applicability of AGA Rent Increases if Unit is Placed Back on Rental Market (applies to rent-controlled units ONLY)	Administrative Requirements (E.g. forms required)	Additional Unique Provisions
OAKLAND	Relocation for Owner/Relative Occupancy (Oakland Municipal Code ("OMC") Section 8.22.030.D, 8.22.350.F, 8.22.360) Owner/Relative Move-In (822.360.A8 or A.9)	<ul style="list-style-type: none"> <li>➤ The owner of record seeks in good faith, without ulterior reasons and with honest intent, to recover possession of the rental unit for his or her occupancy as a principal residence where he or she has previously occupied the rental unit as his or her principal residence and has the right to recover possession for his or her occupancy as a principal residence under a written rental agreement with the current tenants.</li> </ul>	<ul style="list-style-type: none"> <li>➤ The owner of record may not recover possession more than once in any thirty-six (36) month period.</li> <li>➤ Once a landlord has successfully recovered possession of a rental unit pursuant to Subsection 6(A)(9) [8.22.360 A.9], no other current landlords may recover possession of any other rental unit in the building under Subsection 6(A)(9) [8.22.360 A.9].</li> <li>➤ Only one specific unit per building may undergo a Subsection 6(A)(9) [8.22.360 A.9] Owner/Relative Move-in eviction.</li> </ul>	The Just Cause for Eviction Ordinance (O.M.C. 8.22.300 (Chapter 8.22, Article II)) provides for certain restrictions on setting initial rents to new tenants and upon re-rental to former tenants.	<p>Landlords are required to submit the following forms:</p> <ul style="list-style-type: none"> <li>➤ Certificate of No-Fault Eviction</li> <li>➤ Certificate for Owner Occupancy of Property with Two or Three Units.</li> <li>➤ Certificate Upon Occupancy Following Owner or Relative Move-In Eviction.</li> <li>➤ Continued Certificate Upon Occupancy Following Owner or Relative Move-In Eviction.</li> <li>➤ Certificate Upon Re-Rental Following No-Fault Eviction.</li> <li>➤ Prepare and file a Continued Certificate (Form NFE-03) every 12 months after initial occupancy for 3 years (i.e., file a certificate within 12 months, 24 months, and 36 months after initial occupancy.</li> <li>➤ If owner offers the unit for re-rental, file a Certificate Upon Re-Rental (Form NFE-04) with the Rent Program.</li> <li>➤ An eviction notice for owner or relative move-in must include a statement informing tenants of their right to relocation payments under the new ordinance and the amount of those relocation payments. (Reg. 8.22.360.A.9.).</li> <li>➤ Within 30 days after tenant leave the unit following (1) a notice terminating tenancy for owner or relative move-in or (2) other communication stating the owner's intent to seek recovery of the unit for owner or relative move-in, prepare and file with the Rent Program an Initial Certificate (Form NFE-01).</li> </ul>	<ul style="list-style-type: none"> <li>➤ Within 30 days of initial occupancy by the owner or qualifying relative, prepare and file with the Rent Program a Certificate Upon Occupancy (Form NFE-01)</li> <li>➤ Any future evictions taking place in the same building under Subsection 6(A)(9) [8.22.360 A.9] must be of that same unit, provided that a landlord may file a petition with the Rent Board or, at the landlord's option, commence eviction proceedings, claiming that disability or other similar hardship prevents him or her from occupying a unit which was previously the subject of a Subsection 6(A)(9) [8.22.360 A.9] eviction. The Rent Board shall adopt rules and regulations to implement the application procedure.</li> <li>➤ An owner who fails to timely serve a certificate after notice of filing requirements or submits false information may be assessed administrative citation pursuant to O.M.C. Chap. 1.12.</li> <li>➤ An owner who fails to timely file or serve a certificate on more than one occasion after notice of the filing requirement or submits false information on more than one occasion may be assessed a civil penalty pursuant to O.M.C. Chap. 1.08.</li> </ul>

Draft Owner Move-In Case Study Research

Jurisdiction	Code Section	Ownership Interest Requirement	Restriction on Number of Owner Move-In Evictions on a Property	Applicability of AGA Rent Increases if Unit is Placed Back on Rental Market (applies to rent-controlled units ONLY)	Administrative Requirements (E.g. forms required)	Additional Unique Provisions
SAN FRANCISCO	Rent Ordinance Sections 37.9(a)(8) and 37.9B 37.9B(a) 37.9B-1 Rules and Regulation Sections 12.14, 12.17	<ul style="list-style-type: none"> <li>➤ An owner who wishes to evict a tenant for owner or relative occupancy must have at least a 25% interest in the building, if the ownership interest was recorded after February 21, 1991.</li> <li>➤ If ownership was recorded on or before February 21, 1991, then the owner is only required to have a 10% minimum interest.</li> <li>➤ Domestic partners can combine their interests to achieve the required 10% or 25% interest in order to occupy a unit.</li> </ul>	<ul style="list-style-type: none"> <li>➤ No restrictions.</li> <li>➤ For purposes of an eviction under Section 37.9(a)(8) of the Ordinance, a landlord or landlord's relative can have only one "principal place of residence," which is defined as the permanent or primary home of the party claiming that a unit has that status attached to it.</li> <li>➤ Owner must live in the building as primary resident.</li> <li>➤ Relatives may move in separate units; however, one unit becomes the designated owner move in unit. Any owner who wants to move in must move into that designated unit. The exception is that if an owner is disabled and wants the first floor, they can argue the exception. An owner can move into one unit, and there can be any number of relative move-ins. The owner is not restricted to number of owner move-in evictions.</li> </ul>	<ul style="list-style-type: none"> <li>➤ AGA's applied when tenant returns – Allow annual and banked increases.</li> <li>➤ The rental unit must be offered back to the tenant vacating the and served with a proper rent increase notice.</li> <li>➤ There is no maximum allowable rent level as it is based on 60% of CPI.</li> <li>➤ Vacancy control is enforced regardless of whether the tenant moves back to the property.</li> </ul>	<p>Landlords are required to submit the following forms:</p> <ul style="list-style-type: none"> <li>➤ Statement of Occupancy Following Service of Owner or Relative Move-In Eviction (Form 546A, 546B, and 546C)</li> <li>➤ Request for Rescission of Owner Move-In Eviction Notice</li> <li>➤ Notice of Tenant's Change of Address Following Owner or Relative Move-In Eviction</li> </ul>	<ul style="list-style-type: none"> <li>➤ Landlords will be required to file with the Rent Board a Statement of Occupancy with at least 2 forms of supporting documentation for the five-year period following recovery of possession of the unit, unless the Statement of Occupancy discloses that the landlord is no longer endeavoring to recover possession of the unit and the Rent Board has granted the landlord's written request for rescission of the notice to vacate, in which case no further Statement of Occupancy need be filed.</li> <li>➤ Administrative penalties for failure to file the required Statement of Occupancy and/or supporting documentation are mandatory in the amount of \$250 for the first violation, \$500 for the second violation, and \$1,000 for every subsequent violation</li> <li>➤ The Ordinance generally permits the eviction of tenants from only one unit per building for the owner's use and occupancy.</li> <li>➤ Where a tenant is evicted for owner occupancy after December 18, 1998, that unit is designated as the owner's unit for purposes of subsequent owner-occupancy evictions, unless the owner's disability or other similar hardship prevents occupancy of that unit.</li> <li>➤ An owner move-in rescission request must be submitted to the Rent Board.</li> </ul>

Draft Owner Move-In Case Study Research

Jurisdiction	Code Section	Ownership Interest Requirement	Restriction on Number of Owner Move-In Evictions on a Property	Applicability of AGA Rent Increases if Unit is Placed Back on Rental Market (applies to rent-controlled units ONLY)	Administrative Requirements (E.g. forms required)	Additional Unique Provisions
SAN JOSÉ	SJMC 17.23.1250(10) - Just Cause Termination	<ul style="list-style-type: none"> <li>➤ Ownership interest is not a requirement.</li> </ul>	<ul style="list-style-type: none"> <li>➤ An owner can move in multiple qualified family members to separate units, so long as the Rental Unit for the Owner's authorized family member is located in the same building as the Owner's principal residence and no other unit in the building is vacant.</li> </ul>	<ul style="list-style-type: none"> <li>➤ AGAs may be applied when the tenant returns to the property.</li> <li>➤ The tenant returns at the rent paid prior to vacating the property</li> <li>➤ AGAs can be applied 12 months from tenant's last increase.</li> <li>➤ AGAs would not be immediate. The owner must review the rental history information to determine if AGAs can be applied.</li> </ul>	<p>Landlords are required to submit the following forms:</p> <ul style="list-style-type: none"> <li>➤ On-line Notice of Termination of Tenancy for Owner Move-in evictions</li> </ul>	<ul style="list-style-type: none"> <li>➤ A written notice to vacate must state the just cause and must be filed by the landlord with the Rent Stabilization Program within 3 days of service to the tenant.</li> <li>➤ Relocation benefits must be provided at the time of service to the tenant, if applicable.</li> <li>➤ An owner must occupy the unit as owner's principal residence for a period of at least 36 consecutive months commencing within three months of vacancy.</li> <li>➤ The unit must be the principal residence of the owner's spouse, domestic partner, parent(s), child or children, brother(s), or sister(s) (each an "authorized family member") for a period of at least 36 consecutive months and commencing within three months of vacancy, so long as the rental unit for the owner's authorized family member is located in the same building as the owner's principal residence and no other unit in the building is vacant.</li> </ul>

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Draft Owner Move-In Case Study Research

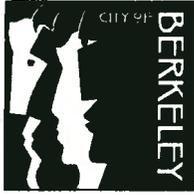
Jurisdiction	Code Section	Ownership Interest Requirement	Restriction on Number of Owner Move-In Evictions on a Property	Applicability of AGA Rent Increases if Unit is Placed Back on Rental Market (applies to rent-controlled units ONLY)	Administrative Requirements (E.g. forms required)	Additional Unique Provisions
SANTA MONICA	<p>Rent Control Charter Amendment –Article XVIII, Section 1806(a)(8)(i-vii), 1806(9-10); 1806 (a)-(d), Effective 11/29/14 Rent Board Regulation 9000-9002</p> <p>9002. Evictions Under §1806(a)(8) through 1806(d)</p> <p>[9002(j) Amended 6/1/89; Effective 6/10/89] [9002(b) Adopted 4/29/93; Effective 6/17/93] [9002(h), (j) Amended 4/12/01; Effective 4/21/01] [9002(b), (d), (e), (h), (j) Amended 5/6/04; Effective 6/3/04] [9002(b)(3) Repealed and Renumbered 8/3/06; Effective 8/12/06]</p>	<ul style="list-style-type: none"> <li>➤ A "landlord" shall be defined as a natural person who has at least a fifty (50) percent ownership interest in the property. A corporation cannot initiate an owner move-in eviction.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Owners are limited to one owner move-in eviction. If there is already a close relative living on the property, Landlord cannot evict.</li> </ul>	<ul style="list-style-type: none"> <li>➤ AGA's may be applied when the tenant returns.</li> <li>➤ After one year, the owner is not required to offer the rental property back to the tenant.</li> <li>➤ The intervening tenant can only be charged the rent the displaced tenant paid plus any AGAs.</li> </ul>	<p>Landlords are required to submit the following forms:</p> <ul style="list-style-type: none"> <li>➤ Application for Exemption Owner-Occupancy of a Property of Three or Fewer Units includes: <ul style="list-style-type: none"> <li>○ Verification of Occupancy</li> <li>○ Property Ownership</li> <li>○ Tenant Information</li> <li>○ Submission Checklist</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>➤ A grant deed showing the applicant's ownership interest in the property must accompany the application. Property owners must demonstrate a minimum 50% interest as a natural person(s) as of the date the application for exemption is submitted.</li> <li>➤ A landlord shall not recover possession of a unit pursuant to Section 1806(a)(8) where there is a comparable unit occupied by a tenant who moved onto the property more recently than the tenant from whom the landlord seeks to recover possession, notwithstanding the existence of a rental agreement for a specific term between the landlord and the more-recent tenant.</li> <li>➤ A "comparable unit" shall mean a unit of the same number of bedrooms, with square footage that varies no more than fifteen (15%) from the unit for which the landlord is attempting to recover possession.</li> <li>➤ Unit location and unit amenities shall not be considered in a determination of comparability unless the landlord demonstrates that the location of the longer-term, tenant-occupied unit or an amenity found only in the longer-term, tenant-occupied unit is required due to a documented medical need of the landlord or relative intending to move into the unit.</li> </ul>

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Draft Owner Move-In Case Study Research

Jurisdiction	Code Section	Ownership Interest Requirement	Restriction on Number of Owner Move-In Evictions on a Property	Applicability of AGA Rent Increases if Unit is Placed Back on Rental Market (applies to rent-controlled units ONLY)	Administrative Requirements (E.g. forms required)	Additional Unique Provisions
WEST HOLLYWOOD	West Hollywood Rent Stabilization Ordinance Section 17.52.010	<ul style="list-style-type: none"> <li>➤ A landlord must be a real person and hold legal title of at least 50% of the property or be a beneficiary with an interest of at least 50% in a trust that owns the property.</li> <li>➤ LLC's and corporations are not qualified as a real person.</li> <li>➤ If two persons purchase a duplex and each own 50% of the building each may evict a tenant.</li> </ul>	<ul style="list-style-type: none"> <li>➤ No more than one owner or qualified family member with 50% ownership can move to the property even if the other family member lives on the property. This must be the owner or qualified family members' primary residence.</li> <li>➤ An owner may not evict tenants from more than one unit in a parcel for owner or relative occupancy in any six-year period, regardless of changes in ownership of the building.</li> <li>➤ The only exception is a duplex – two adjoining units that are the only units on the entire parcel. If two persons purchased the duplex together and each buyer owns 50% share in the property, then each one may evict a tenant if they want to occupy the unit as their principal – not for relative occupancy.</li> </ul>	<ul style="list-style-type: none"> <li>➤ The rent for the next tenancy is based on the Maximum Allowable Rent for the tenancy terminated by relocation plus the intervening annual general adjustments from the time the owner or their qualifying relative moved in until the unit is re-rented.</li> <li>➤ If the unit is re-offered the property for rent, the landlord shall: (1) provide not less than thirty days' prior written notice of such action to the City prior to re-renting the unit; (2) offer the unit at the same rent paid by the tenant who was evicted for owner-relative occupancy plus any intervening annual general adjustments.</li> </ul>	<p>Landlords are required to submit the following forms:</p> <ul style="list-style-type: none"> <li>➤ Relocation Counseling Assistance Form</li> <li>➤ 60-Day Notice to Terminate Tenancy for Owner/Relative Occupancy</li> <li>➤ Exemption Application</li> </ul>	<ul style="list-style-type: none"> <li>➤ The 60-day noticing period will not start until the appropriate fees have been paid to the tenant and all required documents are submitted.</li> <li>➤ A landlord must reside in the unit for at least one full year after termination of the tenancy. The landlord or relative must move into the unit as their primary place of residence within 90 days of the tenant's move out.</li> <li>➤ A landlord may choose the number of bedrooms that they need and then must relocate the most recent tenant in a unit of the same size.</li> <li>➤ A landlord must relocate the newest tenant if the landlord or their qualifying relative can prove a medical need. Documentation is required from the person's licensed physician stating the medical basis.</li> <li>➤ A landlord must instruct the tenant within 30 days of receiving the notice of termination of tenancy they must request the right-of-first-refusal to move back into the unit and file a copy of their notice of interest to re-rent.</li> <li>➤ A landlord must instruct the tenant on how to report to the landlord any future address changes.</li> </ul>

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Rent Stabilization Board

**NOTICE OF INTEREST IN RENEWING TENANCY**  
(BMC section 13.76.130.A.(9)(o).)

To: \_\_\_\_\_  
(Owner)

Property Address: \_\_\_\_\_

I wish to be contacted should the rental unit at the above address be offered for rent for residential purposes subsequent to the owner/family occupation. An offer to renew my tenancy should be sent to me at the following address:

First Address	Second Address

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Note: The owner should be notified of any subsequent changes of address. You may also inform the Rent Board of your address and the Board will notify you if the property is again offered for rent.**



Rent Stabilization Board

**NOTICE OF ELIGIBILITY FOR ADDITIONAL RELOCATION ASSISTANCE**  
(BMC Sections 13.76.130 A.9 (p)(ii))

I, \_\_\_\_\_,  
(Name of Tenant)

tenant at the property located at \_\_\_\_\_  
(Property Site Address)

assert the following :

I have lived in this unit at least one year prior to receiving notice of owner move-in, and I am eligible for an additional relocation payment for the following reason:

- a member of my household is disabled.
- a member of my household is sixty years of age or older.
- a member of my household is a minor child.
- the tenancy began before January 1, 1999.
- my household income is below the limits described below:

Household Income Limits for 2018								
Persons per Household:	1	2	3	4	5	6	7	8
Income no greater than:	\$62,750	\$71,700	\$80,650	\$89,600	\$96,800	\$103,950	\$111,150	\$118,300

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tenant Signature

**ATTENTION:** You must mail or deliver in person one copy of this Notice to your landlord and one copy to the Rent Board within 30 days of the date you received the notice of termination of tenancy. Please complete the accompanying Proof of Service and return it to the Rent Board after you serve the Notice on your landlord.

**DEPOSIT OF OWNER MOVE-IN RELOCATION BENEFITS**

**AND**

**CHALLENGE OF ELIGIBILITY TO RECEIVE BENEFITS**

**(RENT BOARD ACCT. # 440-0000-227-2702)**

Attached is a check in the amount of \$15,585.00.

Please deposit these monies into an escrow account as relocation benefits for the tenants in unit:

\_\_\_\_\_

*Optional:*

\_\_\_\_\_ No tenant in this household has resided in the unit for at least one year. I hereby challenge the eligibility of this household to receive relocation benefits.

Date:

\_\_\_\_\_  
Owner

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NOT VALID WITHOUT HCIDLA REGISTRATION



Los Angeles  
HOUSING + COMMUNITY  
investment Department

Landlord Declarations Section  
1200 W 7<sup>th</sup> Street, 1st Floor, Los Angeles, CA 90017  
rent hotline 866.557.7368  
hcidla.lacity.org



Eric Garcetti, Mayor  
Rushmore D. Cervantes,  
General Manager

APN: \_\_\_\_\_ C.D.: \_\_\_\_\_ # \_\_\_\_\_

**NOTICE TO TENANT:** Your landlord is required to file this declaration with the City and to serve you with a complete copy prior to or at the time that you are served a written notice terminating your tenancy. The representations made in this declaration are entirely those of your landlord, and the City takes no responsibility for their accuracy or good faith. If you believe that the statements in this declaration are inaccurate or that your landlord is acting in bad faith, you may file a complaint with the City by calling (866) 557- RENT.

**DECLARATION OF INTENT TO EVICT FOR LANDLORD OCCUPANCY**

Rental Unit Address: Street Address Unit No. City ZIP Code

Current Tenant Name(s): Date Tenant Moved In:

Current Monthly Rent: Date of Last Rent Increase:

Name of Family Member Moving into the Rental Unit: Family Member's Estimated Move-in Date:

Relationship to Landlord:  Self  Spouse  Child  Parent  Grandparent  Grandchild  
The landlord may recover possession of the rental unit for owner-occupancy only if the new occupant is in one of these categories [LAMC §151.09 A.8.(a)].

Current Address of Family Member Moving into the Unit: Street Address Unit No. City State ZIP Code

Is the landlord is a corporation, partnership or similar ownership entity? A landlord must be a natural person, or a beneficiary of a trust to evict for owner-occupancy [LAMC §151.09 A.8.(a)].  Yes  No

Have you previously evicted a tenant for occupancy by this family member at this property? A landlord may use owner-occupancy as a ground to recover possession for use and occupancy by the landlord, landlord's spouse, grandchild, child, parent or grandparent only once for that person in each rental complex [LAMC §151.09 A.8.(a)].  Yes  No

Is any current tenant in this rental unit an elderly or disabled person who has resided in the unit for at least 10 years? [LAMC §151.30.D.1.a]  Yes  No

Is any current tenant in this rental unit terminally ill (as certified by a treating physician licensed to practice in the State of California)? [LAMC §151.30.D.1.b]  Yes  No

Is this rental unit currently registered with the City under Rent Stabilization? No landlord shall demand or accept rent for a rental unit without first serving a copy of a valid registration or annual registration renewal statement on the tenant of that rental unit [LAMC §151.05 A]. In any action by a landlord to recover possession of a rental unit the tenant may raise as an affirmative defense the failure of the landlord to comply with §151.05 A [LAMC §151.09 F.].  Yes  No

Are any Code Enforcement fees currently delinquent? A tenant may withhold the payment of any rent otherwise lawfully due and owing if any Code Enforcement fees are delinquent. Once the fees have been paid, the tenant becomes obligated to pay the current rent and any back rent withheld [LAMC §161.903.3.1]. The tenant may assert as an affirmative defense to any unlawful detainer action that the landlord has failed to pay required fees pursuant to this article [LAMC §161.903.3.2].  Yes  No

Is this rental unit currently subject to the Rent Escrow Account Program (REAP) or has it been subject to REAP within the past year? Until a unit is removed from REAP and for one year thereafter, the landlord shall have the burden of proving that any action to recover possession, other than one based on nonpayment of rent, is not brought for the purposes of retaliation [LAMC §162.09 A.3-4].  Yes  No

Is there a vacant and comparable unit at this property? The existence of a vacant comparable unit in the building which is also suitable for owner-occupancy is a factor demonstrating a possible intent to circumvent the Rent Stabilization Ordinance [RAC Regulation §613.04].  Yes  No

Will the family member or owner move in within three months of tenant's vacation of the unit? [LAMC §151.30.B]  Yes  No

Will the family member or owner moving in to the unit reside there for a minimum of two years? When a landlord evicts a tenant based upon the owner's or the landlord's immediate relative's intention to occupy the tenant's unit, failure to maintain residence in the unit for at least two years may constitute evidence of intent to circumvent the Rent Stabilization Ordinance (RAC Regulation 613.04.2). You must file 3 declarations: 1) Within 3 months of tenant vacating 2) Within 30 days preceding the 1st anniversary of tenant vacating and 3) Within 30 days preceding the 2nd anniversary of the tenant vacating. (LAMC151.30F)  Yes  No

If evicting for family occupancy does the landlord have legal title to 50% of the property, or if evicting for owner occupancy does the landlord have legal title to 25% of the property? [LAMC §151.30.A]  Yes  No

Will the owner or family member occupy the unit as their primary place of residence? [LAMC §151.30.B]  Yes  No

Is the tenant of the subject unit the most recent tenant to occupy a unit in this property? [LAMC §151.30.C]  Yes  No

Relocation Assistance Requirements [LAMC §151.09.G]

ATTACHMENT 3

Is any current tenant in this rental unit 62 years of age or older?  Yes  No

Is any current tenant in this rental unit disabled or handicapped?  Yes  No

Is any current tenant in this rental unit residing with one or more minor children who are legally dependent on that tenant (as determined for federal income tax purposes)?  Yes  No

If the answer to any of the three questions above is **YES**, the tenant is a Qualified Tenant and household is entitled to higher relocation assistance amounts, but if the answer is **NO** to ALL of the above, the tenant is Eligible for the lower amounts. (LAMC) §151.09 G.

**RELOCATION ASSISTANCE AMOUNTS ( Effective July 1, 2018 to June 30, 2019):**

Type of Tenant	Less than 3 years	3 years or more	Low Income
Eligible	\$ 8,200	\$ 10,750	\$ 10,750
Qualified	\$ 17,300	\$ 20,450	\$ 20,450

Do you want HCIDLA to consider if you are eligible to pay the Mom & Pop relocation amounts ?  Yes  No

Type of Tenant	Mom & Pop Amounts
Eligible	\$ 7,900
Qualified	\$15,900

In order to be eligible for these amounts the owner must met all the requirements below:  
 (1) the building containing the rental unit contains four or fewer rental units; (2) within the previous 3 years the landlord has not paid the fee authorized by this Subsection to any tenant who resided in the building; (3) the landlord owns, in the City of Los Angeles, no more than four units of residential property and a single-family home on a separate lot; and (4) any eligible relative for whom the landlord is recovering possession of the rental unit does not own any residential property in the City of Los Angeles.

**2018 HUD Low Income Limits (Los Angeles)**

1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
\$54,250	\$62,000	\$69,750	\$77,500	\$83,700	\$89,900	\$96,100	\$102,300

If the rental unit is currently occupied by two or more tenants, each tenant shall be paid a pro-rata share. In accordance with LAMC §151.09G.2, the landlord shall pay relocation assistance amount owed to the tenant, either directly or via an escrow account in the tenant's name, within fifteen (15) days of service of a written notice of termination.

**Additional Notifications**

- 1) An administrative fee of \$75 is due and payable to the City of Los Angeles—HCIDLA when submitting this declaration in addition to relocation services fees in the Relocation Services/Demolition Monitoring Services Application.
  - 2) You must file declarations of occupancy within 3 months of tenant vacating and within 30 days of the 1st and 2nd anniversary of tenant vacating.
  - 3) You must file a Notice of Intention to Re-Rent with the HCIDLA before renting or leasing the rental unit.
  - 4) If you act in bad faith in recovering possession of a rental unit, you shall be liable to any tenant who was displaced from the property for three times the amount of actual damages, exemplary damages, equitable relief, and attorney fees. The City may institute a civil proceeding for equitable relief and exemplary damages for displacement of tenants.
  - 5) If you fail to file a statement or notice as required, you must pay a fine in the amount of \$250 per day for each day the notice is delinquent.
- Any person who willfully or knowingly with the intent to deceive makes a false statement or representation, or knowingly fails to disclose a material fact in this form shall be guilty of a misdemeanor (LAMC §151.10 B.). This document of and by itself does not satisfy Notice to Quit requirements per California law.**

**DECLARATION OF LANDLORD**

I hereby declare that I am evicting the tenant(s) at the rental property identified on this form for occupancy for myself or the listed related person in accordance with the requirements of Los Angeles Municipal Code (LAMC) §151.09 A.8. (a) and that I am held responsible for providing monetary relocation assistance to the tenant(s) being evicted in accordance with LAMC §151.09.G.

I understand that **the rent for any subsequent tenant(s) is not decontrolled** and therefore must be established at the rental amount indicated above plus any increases or decreases allowed by the Rent Stabilization Ordinance in accordance with LAMC §151.06 C.

Furthermore, if said unit is returned to the rental market, I recognize it is my responsibility to file a re-rental Declaration with the Los Angeles Housing and Community Investment Department (HCIDLA) within ten (10) days of re-rental, in accordance with LAMC §151.09 I., and that my failure to notify HCIDLA of the re-rental of my rental units may result in late and delinquent registration fees being added to the regular registration fee.

LANDLORD'S SIGNATURE	LANDLORD'S PRINTED NAME	DATE
LANDLORD'S MAILING STREET ADDRESS	LANDLORD'S CITY, STATE, ZIP CODE	LANDLORD'S PHONE
AGENT'S SIGNATURE	AGENT'S PRINTED NAME	DATE
AGENT'S COMPANY AND STREET ADDRESS	AGENT'S CITY, STATE, ZIP CODE	AGENT'S PHONE



Los Angeles  
**HOUSING + COMMUNITY**  
 Investment Department  
 Landlord Declarations Section  
 1200 W 7<sup>th</sup> Street, 1st Floor, Los Angeles, CA 90017  
 Rent hotline 866.557.7368 fax 213.808.8818  
 hcidla.lacity.org



Eric Garcetti, Mayor  
 Rushmore D. Cervantes,  
 General Manager, Mayor

NOT VALID WITHOUT HCIDLA RECEIPT STAMP

APN: \_\_\_\_\_ C.D.: \_\_\_\_\_ # \_\_\_\_\_

**NOTICE TO LANDLORD:** This form must be submitted to the Los Angeles Housing and Community Investment Department within 3 months of tenant's vacation of the rental unit after an eviction based on Los Angeles Municipal Code (LAMC) 151.09.A.8, and also 30 days preceding the first year anniversary of continued occupancy, and 30 days preceding the second year anniversary of continued occupancy

**DECLARATION OF OCCUPANCY**

Rental Unit Address: Street Address Unit No. City ZIP Code Date Tenant Moved Out:

Current Occupant's Name(s): Date Occupant Moved In:

Occupant's Relationship to Landlord:  Self  Spouse  Child  Parent  Grandparent  
 Grandchild  Resident Manager

**THIS FORM IS BEING FILED TO COMPLY WITH LAMC 151.30.F FOR THE FOLLOWING (YOU MUST CHECK ONE):**

- Declaration of Occupancy within 3 months of tenant's surrender of rental unit.
- Declaration of Continued Occupancy within 30 days preceding the first year anniversary of the tenant's vacation of the rental unit
- Declaration of Continued Occupancy within 30 days preceding the second year anniversary of the tenant's vacation of the rental unit

**If the landlord, eligible family member, or resident manager has not moved in within 3 months of tenant's surrender of the unit, or has not continued their occupancy after the first or second anniversary of the vacation of the rental unit, please explain why in detail below (attach additional sheets, if necessary):**

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**IF YOU FAIL TO FILE A STATEMENT OR NOTICE AS REQUIRED, YOU MUST PAY A FINE IN THE AMOUNT OF \$250 PER DAY FOR EACH DAY THIS DECLARATION IS DELINQUENT (LAMC 151.30.I.2).**

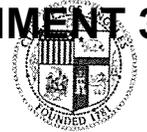
**Landlord Declaration**

I declare, under penalty of perjury under the laws of the State of California, that the information provided on this form and all attached pages is true, correct, and complete. **(All owners must sign; attach additional pages if necessary.)**

<u>LANDLORD'S SIGNATURE</u>	<u>LANDLORD'S PRINTED NAME</u>	<u>DATE</u>
<u>LANDLORD'S MAILING STREET ADDRESS</u>	<u>LANDLORD'S CITY, STATE, ZIP CODE</u>	<u>LANDLORD'S PHONE</u>
<u>LANDLORD'S AGENT'S SIGNATURE</u>	<u>AGENT'S PRINTED NAME</u>	<u>DATE</u>
<u>AGENT'S COMPANY &amp; STREET ADDRESS</u>	<u>AGENT'S CITY, STATE, ZIP CODE</u>	<u>AGENT'S PHONE</u>



**Owner Occupancy Notice to  
Landlord of Interest in Renewing  
Tenancy**  
LAMC 151.09 A8



Eric Garcetti, Mayor  
Rushmore D. Cervantes,  
General Manager

**Landlord Name:** \_\_\_\_\_  
**Landlord Address:** \_\_\_\_\_  
\_\_\_\_\_

**My Name is:** \_\_\_\_\_  
**I am/was a tenant at:** \_\_\_\_\_  
\_\_\_\_\_

I hereby declare that I wish to be contacted by the landlord in the event that the accommodations at the address where I am/was a tenant are again offered for rent or lease within two (2) years from the date on which they are owner occupied. I can be contacted at or through the following address and wish any offer to renew the tenancy be sent to me as follows:

**Tenant Name:** \_\_\_\_\_  
**Contact Address:** \_\_\_\_\_  
\_\_\_\_\_  
**Phone:** \_\_\_\_\_  
**E-Mail:** \_\_\_\_\_  
 additional contact addresses on reverse of this notice

\_\_\_\_\_  
(Signature of Tenant) \_\_\_\_\_ (Date)

**IMPORTANT:** This notice should be given to the landlord no later than 30 days after the date the tenant was displaced as a result of LAMC 151.09A8. A copy of this notice also may be given at any time to the Los Angeles Housing and Community Investment Department; Rent Division - Landlord Declarations Section; 1200 W 7<sup>th</sup> Street, 1<sup>st</sup> Floor; Los Angeles, CA 90017.

**Each tenant who is interested in receiving notice that the accommodations at this address are again offered for rent or lease must file a separate *Notice to Landlord of Interest in Renewing Tenancy*.**

**Additional Address #1:**  
Tenant Name: \_\_\_\_\_  
Contact Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

**Additional Address #2:**  
Tenant Name: \_\_\_\_\_  
Contact Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

**Additional Address #3:**  
Tenant Name: \_\_\_\_\_  
Contract Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

**Additional Address #4:**  
Tenant Name: \_\_\_\_\_  
Contract Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
E-Mail: \_\_\_\_\_



**Notice to Landlord of Interest in  
Renewing Tenancy**  
(After eviction based on owner, family or resident manager  
occupancy)  
LAMC 151.09 A8



Eric Garcetti, Mayor  
Rushmore D. Cervantes,  
General Manager

**Tenant Re-Rental Rights:** A tenant has a right to return to the same unit provided that the tenant gives proper written notice to the landlord.

Pursuant to LAMC 151.30.G., a landlord who re-rents the unit that was the subject of a tenancy termination based owner, family or resident manager occupancy within 2 years after the tenant vacated must first offer to rent the rental unit to the displaced tenant(s) if the tenant(s) gave writing notice to the landlord within 30 days of displacement of the tenant's desire to consider an offer to renew the tenancy and provided the landlord and Department with an address to which to direct the offer. The tenant or tenants may advise the landlord and Department any time during the 2 year period of eligibility of a change of address to which the owner will mail the offer.

A landlord who offers to rent or lease a rental unit to a previously displaced tenant shall deposit the offer in the United States mail, by registered or certified mail with postage prepaid, addressed to the displaced tenant(s) at the address furnished to the landlord, and shall describe the terms of the offer. The displaced tenant or tenants shall have 30 days from the deposit of the offer in the mail to accept the offer by personal delivery of that acceptance or by deposit of the acceptance in the United States mail by registered or certified mail with postage prepaid.

**Landlord Name:** \_\_\_\_\_

**Landlord Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**My name is:** \_\_\_\_\_

**I am/was a tenant at:** \_\_\_\_\_  
\_\_\_\_\_

**Tenant Name:** \_\_\_\_\_

**Contact Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Phone:** \_\_\_\_\_

**Email:** \_\_\_\_\_

additional contact addresses on reverse of this notice

\_\_\_\_\_ (Signature of Tenant) \_\_\_\_\_ (Date)

**IMPORTANT:** This notice should be given to the landlord no later than 30 days after the date the tenant was displaced as a result of LAMC 151.09A8. A copy of this notice also may be given at any time to the Los Angeles Housing and Community Investment Department: Rent Division - Landlord Declarations Section; 1200 W. 7th Street, 1st Floor, Los Angeles, CA 90017 or [hcidla.declarations@lacity.org](mailto:hcidla.declarations@lacity.org)

**Each tenant who is interested in receiving notice that the accommodations at this address are again offered for rent or lease must file a separate *Notice to Landlord of Interest in Renewing Tenancy*.**

# Additional Contact Information

Tenant Name:	_____
Contact Address:	_____ _____ _____
Phone:	_____
Email:	_____

Tenant Name:	_____
Contact Address:	_____ _____ _____
Phone:	_____
Email:	_____

Tenant Name:	_____
Contact Address:	_____ _____ _____
Phone:	_____
Email:	_____

Tenant Name:	_____
Contact Address:	_____ _____ _____
Phone:	_____
Email:	_____

Tenant Name:	_____
Contact Address:	_____ _____ _____
Phone:	_____
Email:	_____

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**CITY OF OAKLAND**  
**RENT ADJUSTMENT PROGRAM**  
250 Frank H. Ogawa Plaza, Suite 5313  
Oakland, CA 94612-0243

TEL (510) 238-3721  
FAX (510) 238-6181  
TDD (510) 238-3254

**HOW TO COMPLY WITH CERTIFICATION REQUIREMENTS  
FOLLOWING NO-FAULT EVICTIONS  
(Rent Board Regulation 8.22.360.B.8)**

If an owner terminated a tenancy pursuant to an owner/relative move-in (O.M.C. 8.22.360.A.8 or A.9), repairs (8.22.360.A.10), or Ellis Act (8.22.360.A.10), then the owner must file a certificate of the no-fault eviction with the Rent Program on the provided forms. The filing requirement applies if the tenant vacated voluntarily following a communication that the owner intends to recover the unit under one these grounds, even if no formal eviction notice was served or no eviction action was filed.

**Owner/Relative Move-In (8.22.360.A.8 or A.9)**

1. Within 30 days after tenant leaves the unit following (1) a notice terminating tenancy for owner or relative move-in or (2) other communication stating the owner's intent to seek recovery of the unit for owner or relative move-in, prepare and file with the Rent Program an Initial Certificate (Form NFE-01).
2. Within 30 days of initial occupancy by the owner or qualifying relative, prepare and file with the Rent Program a Certificate Upon Occupancy (Form NFE-02).
3. Prepare and file a Continued Occupancy Certificate (Form NFE-03) every 12 months after initial occupancy for 3 years (i.e. file a certificate within 12 months, 24 months, and 36 months after initial occupancy).
4. If owner offers the unit for re-rental, file a Certificate Upon Re-Rental (Form NFE-04) with the Rent Program.

**Repairs (8.22.360.A.10)**

1. Within 30 days after tenant leaves the unit following (1) a notice terminating tenancy for eviction for repairs or (2) other communication stating the owner's intent to seek recovery of the unit for repairs, prepare and file with the Rent Program an Initial Certificate (Form NFE-01).

**ITEM G-1  
ATTACHMENT 4**

2. If owner offers the unit for re-rental, file a Certificate Upon Re-Rental (Form NFE-04) with the Rent Program.

**Ellis Act (8.22.360.A.11)**

1. Within 30 days after tenant leaves the unit following (1) a notice terminating tenancy pursuant to the Ellis Act Ordinance or (2) other communication stating the owner's intent to seek recovery of the unit for owner or relative move-in, prepare and file with the Rent Program an Initial Certificate (Form NFE-01).
2. Follow all other requirements for Ellis Act withdrawals in O.M.C. 8.22.400 et seq.



**CITY OF OAKLAND**  
**RENT ADJUSTMENT PROGRAM**  
 250 Frank H. Ogawa Plaza, Suite 5313  
 Oakland, CA 94612-0243

**ITEM G-1**  
**ATTACHMENT 4**  
 TEL (510) 238-3721  
 FAX (510) 238-6181  
 TDD (510) 238-3254

**CERTIFICATE OF NO-FAULT EVICTION**  
 (Regulation 8.22.360.B.8)

Owner's Name:	
Property Address (Include Unit Numbers)	
Email Address:	Phone Number:
Owner's Mailing Address:	
<b>Rent-Controlled Unit?</b> <input type="radio"/> Yes <input type="radio"/> No, the unit is a single-family home or condominium <input type="radio"/> No, the unit was substantially rehabilitated <input type="radio"/> No, the unit was constructed <b>after Jan. 1, 1983</b> <input type="radio"/> No, because _____	
For list of exemptions, go to: <a href="http://rapwp.oaklandnet.com/issues/exemptions/">rapwp.oaklandnet.com/issues/exemptions/</a>	
<b>Grounds for Eviction:</b> <input type="radio"/> Owner or Relative Move-in (8.22.360.A.8 or A.9) <input type="radio"/> Repairs (8.22.360.A.10) <input type="radio"/> Ellis Actt (8.22.360.A.11)	
Tenant's Name:	
Tenant's Forwarding Address:	Tenant's Email Address:
Date tenant Vacated unit	Rent \$ for Unit when vacated

I certify under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
 (Owner's Signature)

\_\_\_\_\_  
 (Today's Date)

File this certificate within 30 days after the tenant vacates the unit. For owner or relative move-in evictions, the owner must also file (1) a certificate following occupancy within 30 days of move-in and (2) a continuing occupancy certification every 12 months for 3 years following occupancy.



**CITY OF OAKLAND**  
**RENT ADJUSTMENT PROGRAM**  
 250 Frank H. Ogawa Plaza, Suite 5313  
 Oakland, CA 94612-0243

**ITEM G-1**  
**ATTACHMENT 4**  
 TEL (510) 238-3721  
 FAX (510) 238-6181  
 TDD (510) 238-3254

**CERTIFICATE FOR OWNER OCCUPANCY OF PROPERTY WITH TWO OR THREE UNITS**  
**(Ordinance Section 8.22.350.F and 8.22.030.D)**

Please fill out this Certification form completely and attach the required documentation as described below.  
 Documentation is required with each annual submittal of Certification form.

Owner's Name(s):		
Property Address (Include Unit Numbers):		Check one: Duplex Triplex
Email Address:	Phone Number:	
Initial Owner Move In Date:	For Continued Occupancy: This Certificate covers Year	
<b>FOR STAFF USE ONLY: This Unit Qualifies for exemption from Rent Adjustment Ordinance, Article I YES / NO</b> Staff member Name/signature:		

**REQUIRED DOCUMENTATION**

(Following occupancy and for continued occupancy)

<p><b>I. Proof of service to tenant must be attached to Certificate</b></p> <p><b>II. Three of the following documents as proof of residency in the unit:</b></p> <ol style="list-style-type: none"> <li>1) Current motor vehicle registration plus a copy of the current insurance policy of the vehicle that shows the name of the insured the address of the unit and the period of coverage with proof of payment.</li> <li>2) Current Driver's license, official California ID card from the Department of Motors Vehicles (DMV), or comparable government issued identification with the address of the unit.</li> <li>3) Official letter from a social services/government agency within the last 45 days.</li> <li>4) Current voter registration</li> <li>5) Current homeowner's tax exemption.</li> <li>6) Current homeowner's insurance policy for the contents of the unit showing the name of the insured, the address of the unit and the period of coverage, with proof of payment; and or</li> <li>7) Utility bill dated within 45 days.</li> </ol> <p><b>III. A copy of proof that the owner-occupant holds at least 33 percent interest in the property</b></p>
--

**ITEM G-1  
ATTACHMENT 4**

**Exemption**

Pursuant to O.M.C 8.22.030D I declare that my property is exempt from the Rent Adjustment Ordinance after occupying the unit for at least two years.

I certify under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

By filing this certification, I attest that I do NOT claim a homeowner's property tax exemption on any other real property in the State of California.

\_\_\_\_\_  
(Signature Owner)

\_\_\_\_\_  
(Today's Date)

An owner who fails to timely serve a certificate after notice of filing requirements or submits false information may be assessed administrative citation pursuant to O.M.C. Chap. 1.12. An owner who fails to timely file or serve a certificate on more than one occasion after notice of the filing requirement or submits false information on more than one occasion may be assessed a civil penalty pursuant to O.M.C. Chap. 1.08.

**Mail or fax to:**

Rent Adjustment Program  
250 Frank H Ogawa Plaza Suite 5313  
Oakland, CA 94612  
Fax: 510-238-6181



**CITY OF OAKLAND**  
**RENT ADJUSTMENT PROGRAM**  
 250 Frank H. Ogawa Plaza, Suite 5313  
 Oakland, CA 94612-0243

**ITEM G-1**  
**ATTACHMENT 4**  
 TEL (510) 238-3721  
 FAX (510) 238-6181  
 TDD (510) 238-3254

**CERTIFICATE UPON OCCUPANCY**  
**FOLLOWING OWNER OR RELATIVE MOVE-IN EVICTION**  
**(Regulation 8.22.360.B.8)**

**CERTIFICATE UPON OCCUPANCY**  
**FOLLOWING OWNER OR RELATIVE MOVE-IN EVICTION**  
**(Regulation 8.22.360.B.8)**

Owner's Name/Owner's Name:	
Property Address (Include Unit Number):	
Property Address (Include Unit Number):	
Owner's Mailing Address:	
Owner's Mailing Address:	
Email Address/Email Address:	Phone Number/Phone Number:
Owner's mailing Address (If relative moved in):	
Owner's mailing Address (If relative moved in):	
Name of the Qualifying Relative Who Moved In:	
Name of the Qualifying Relative Who Moved In:	
Relationship to Owner (if Qualifying Relative):	
Relationship to Owner (if Qualifying Relative):	
Moved In Date/Moved In Date:	Date Tenant Vacated Unit/Date Tenant Vacated Unit:
<input type="checkbox"/> I certify that the owner or qualifying relative moved in to the unit as a principal residence on the date indicated above. <i>You must attach evidence of move-in, such as a bank statement, utility bill, or USPS change of address confirmation.</i>	
<input type="checkbox"/> I certify that the owner or qualifying relative moved in to the unit as a principal residence on the date indicated above. <i>You must attach evidence of move-in, such as a bank statement, utility bill, or USPS change of address confirmation.</i>	

I certify under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
 I certify under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
 (Owner's Signature / Owner's Signature)

\_\_\_\_\_  
 (Today's Date / Today's Date)

**File this certificate within 30 days after the owner or qualifying relative moves into the unit. The owner or qualifying relative must move in within 3 months after the tenant vacated the unit. After filing this certificate, the owner must file a continuing occupancy certification every 12 months following move-in for 3 years following occupancy.**

**File this certificate within 30 days after the owner or qualifying relative moves into the unit. The owner or qualifying relative must move in within 3 months after the tenant vacated the unit. After filing this certificate, the owner must file a continuing occupancy certification every 12 months following move-in for 3 years following occupancy.**



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**ITEM G-1**  
**ATTACHMENT 4**

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**CONTINUED CERTIFICATE UPON OCCUPANCY**  
**FOLLOWING OWNER OR RELATIVE MOVE-IN EVICTION**  
**(Regulation 8.22.360.B.8)**

**CONTINUED CERTIFICATE UPON OCCUPANCY**  
**FOLLOWING OWNER OR RELATIVE MOVE-IN EVICTION**  
**(Regulation 8.22.360.B.8)**

Owner's Name/Owner's Name:	
Property Address (Include Unit Number)	
Property Address (Include Unit Number)	
Email Address/Email Address:	Phone Number/Phone Number
Owner's mailing Address (If relative moved-in):	
Owner's mailing Address (If relative moved-in):	
Name of the Owner or Qualifying Relative Who Moved In	
Name of the Owner or Qualifying Relative Who Moved In	
Relationship to Owner (if Qualifying Relative)	
Relationship to Owner (if Qualifying Relative)	
<b>Moved In Date/Moved In Date:</b>	
This form is for/this form is for:	
<input type="radio"/> 1 year after initial occupancy 1 year after initial occupancy	<input type="radio"/> 2 years after initial occupancy 2 years after initial occupancy
<input type="radio"/> 3 years after initial occupancy 3 years after initial occupancy	

<b>This Unit is currently/ This Unit is currently:</b>
<input type="radio"/> <b>Occupied as the principal residence of the owner or qualifying relative.</b> You must attach proof of residency in the unit, including but not limited to a copy of a valid California license or another government-issued form of identification showing the address of the unit. / <b>Occupied as the principal residence of the owner or qualifying relative.</b> You must attach proof of residency in the unit, including but not limited to a copy of a valid California license or another government-issued form of identification showing the address of the unit.
<input type="radio"/> <b>Occupied by another person.</b> If the unit is re-rented to the former tenant or another tenant, the owner must certify the rent amount within 30 days of occupancy on Form NFE-04. / <b>Occupied by another person.</b> If the unit is re-rented to the former tenant or another tenant, the owner must certify the rent amount within 30 days of occupancy on Form NFE-04.
<input type="radio"/> Unoccupied/ Unoccupied

I certify under the penalty of perjury under the laws of the State of California that the foregoing is true and correct  
 I certify under the penalty of perjury under the laws of the State of California that the foregoing is true and correct

\_\_\_\_\_  
 (Owner's Signature / Onwer's Signature)

\_\_\_\_\_  
 (Today's Date / Today's Date)

**File this certificate every 12 months following move-in for 3 years following occupancy.**  
**File this certificate every 12 months following move-in for 3 years following occupancy.**



**CITY OF OAKLAND**  
**RENT ADJUSTMENT PROGRAM**  
 250 Frank H. Ogawa Plaza, Suite 5313  
 Oakland, CA 94612-0243

TEL (510) 238-3721  
 FAX (510) 238-6181  
 TDD (510) 238-3254

**CERTIFICATE UPON RE-RENTAL  
 FOLLOWING NO-FAULT EVICTION  
 (Regulation 8.22.360.B.8)**

**CERTIFICATE UPON RE-RENTAL  
 FOLLOWING NO-FAULT EVICTION  
 (Regulation 8.22.360.B.8)**

Owner's Name/Owner's Name:		
Property Address (Include Unit Number)		
Property Address (Include Unit Number)		
Email Address/Email Address:		Phone Number/Phone Number:
<b>Rent-Controlled Unit?/Rent-Controlled Unit?</b> <input type="radio"/> Yes/Yes <input type="radio"/> No, the unit is a single-family home or condominium No the unit is a single-family home or condominium <input type="radio"/> No, the unit was substantially rehabilitated No, the unit was substantially rehabilitated <input type="radio"/> No, the unit was constructed <b>after Jan. 1, 1983</b> No, the unit was constructed <b>after Jan. 1, 1983</b> <input type="radio"/> No, because/ No, because _____ For list of exemptions, go to/for list of exemptions, go to: rapwp.oaklandnet.com/issues/exemptions/		
<b>Ground for Eviction/Ground for Eviction:</b> <input type="radio"/> Owner or Relative Move-in (8.22.360.A.8 or A.9)/ Owner or Relative Move-in (8.22.360.A.8 or A.9) <input type="radio"/> Repairs (8.22.360.A.10)/ Repairs (8.22.360.A.10)/ Repairs (8.22.360.A.10)/ Repairs (8.22.360.A.10)		
Date Former Tenant Vacated the Unit/ Date Former Tenant Vacated the Unit:		
Rent when Former Tenant Vacated the Unit/ Rent when Former Tenant Vacated the Unit\$		
Tenant's Who Moved In:	New Rent for the Unit \$	Move In Date:
Tenant's Who Moved In:	New Rent for the Unit \$	Move In Date:
If new rent is different from the former rent, explain. Use a separate sheet if necessary. If new rent is different from the former rent, explain. Use a separate sheet if necessary. <input type="radio"/> Unit is Exempt from Rent Control <input type="radio"/> CPI/Banking <input type="radio"/> Capital Improvement approved in Petition L _____ Unit is Exempt from Rent Control      CPI/Banking      Capital Improvement approved in Petition L _____ <input type="radio"/> Other (Please explain) _____		

I certify under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
 I certify under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
 (Owner's Signature / Owner's Signature)

\_\_\_\_\_  
 (Today's Date / Today's Date)

**Fill out this certificate within 30 days of re-rental. Fill out this certificate within 30 days of re-rental.  
 Attach the Proof of Service to Tenant form. Attach the Proof of Service to Tenant form completed.**



# ITEM G-1 ATTACHMENT 5

## San Francisco Residential Rent Stabilization and Arbitration Board

A landlord who served a notice to vacate on or after January 1, 2018 pursuant to Rent Ordinance Section 37.9(a)(8) (owner or relative move-in) must complete a Statement of Occupancy and file it with the Rent Board within 90 days after the date the notice to vacate was served on the tenant, and shall file an updated Statement of Occupancy every 90 days thereafter; provided, however, if the Statement of Occupancy discloses that the landlord has recovered possession of the unit (i.e. the tenant(s) moved out), the landlord shall then be required to file updated Statements of Occupancy once a year for five years, no later than 12 months, 24 months, 36 months, 48 months and 60 months after the date the landlord recovered possession of the unit.

Rent Board Date Stamp

### STATEMENT OF OCCUPANCY FOLLOWING SERVICE OF OWNER OR RELATIVE MOVE-IN EVICTION NOTICE

[Pursuant to Rent Ordinance §37.9(a)(8)(vii); Rules And Regulations §12.14(f)]

#### ↓Rental Unit Information↓

(Street Number of Unit) \_\_\_\_\_ (Street Name) \_\_\_\_\_ (Unit Number) \_\_\_\_\_ San Francisco, CA 941 \_\_\_\_\_ (Zip Code)

(Full Property Address) \_\_\_\_\_ (Name of Building Complex, if applicable) \_\_\_\_\_ (# of Units in Building) \_\_\_\_\_

#### ↓Owner Information↓

Owner's Name: \_\_\_\_\_ Case No. \_\_\_\_\_  
(First) (Middle Initial) (Last)

Owner's Mailing Address: \_\_\_\_\_  
(Street Number) (Street Name) (Apt./Suite Number) (City & State) (Zip Code)

Primary Phone: \_\_\_\_\_ Other Phone: \_\_\_\_\_

Fax Number: \_\_\_\_\_ Email: \_\_\_\_\_

#### ↓Declaration↓

**I declare under penalty of perjury under the laws of the State of California that every statement in this Statement of Occupancy and every attached document is true and correct to the best of my knowledge and belief. I also acknowledge that the Rent Board will make all reasonable efforts to send a copy of this Statement of Occupancy to the tenant(s) within 30 days of filing, and if it's not filed by the due date, the Rent Board will make all reasonable efforts to send the tenant(s) a notice that it wasn't timely filed.**

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

*NOTE: Any landlord who fails to timely file a completed Statement of Occupancy with the supporting documentation required by Rules and Regulations §12.14(f)(4) (if applicable) will be subject to an administrative penalty in the following amounts: \$250 for the first violation, \$500 for the second violation, and \$1000 for every subsequent violation. See Rules and Regulations §12.14(f)(6) for more information. In addition, the Rent Board is required to send to the District Attorney a random sample of 10% of all Statements of Occupancy each month, as well as a list of units for which the required Statement of Occupancy was not filed with the Rent Board. In cases where the District Attorney determines that Ordinance Section 37.9(a)(8) has been violated, the District Attorney shall take whatever action he or she deems appropriate under the Rent Ordinance or state law.*

San Francisco Residential Rent Stabilization and Arbitration Board

↓Landlord Has Not Recovered Possession of the Unit↓

ATTACH FORM A – STATEMENT OF OCCUPANCY if the following statement applies:

I am filing a Statement of Occupancy because I served the tenant(s) with a notice to vacate based on an owner or relative move-in pursuant to Ordinance §37.9(a)(8), and I have not recovered possession of the unit.

The notice to vacate was served on: \_\_\_\_\_.

Please check one of the following:

- I am filing this as a first Statement of Occupancy which is due within 90 days of the date of service of the notice to vacate on the tenant(s).  I missed the filing deadline.
- I am filing this as an updated Statement of Occupancy which is due 80-90 days after I filed the most recent Statement of Occupancy, because I still have not recovered possession of the unit.  I missed the filing deadline.
- I am no longer endeavoring to recover possession of the unit, the tenant(s) did not move out, I notified the tenant(s) in writing that the notice to vacate has been rescinded AND the Rent Board has granted my Request for Rescission of the Owner Move-In Eviction Notice.

↓Landlord Has Recovered Possession and the Owner or Relative is Occupying the Unit↓

ATTACH FORM B – STATEMENT OF OCCUPANCY if the following statement applies:

I am filing a Statement of Occupancy because I served the tenant(s) with a notice to vacate based on an owner or relative move-in pursuant to Ordinance §37.9(a)(8), I have recovered possession of the unit, and the owner or relative for whom the tenant(s) was evicted is currently occupying the unit as that person's principal residence.

The notice to vacate was served on \_\_\_\_\_ . I recovered possession on: \_\_\_\_\_.

Please check one of the following:

- I am filing this as a Statement of Occupancy which is due  within 90 days of the date of service of the notice to vacate on the tenant(s) or  within 80-90 days after I filed the most recent Statement of Occupancy.  I missed the filing deadline.
- I am filing this annual Statement of Occupancy no later than (check one):  11-12 months  23-24 months  35-36 months  47-48 months  59-60 months AFTER the date the tenant(s) moved out.  I missed the filing deadline for this year's annual Statement of Occupancy.

↓Landlord Has Recovered Possession and the Owner or Relative is NOT Occupying the Unit↓

ATTACH FORM C – STATEMENT OF OCCUPANCY if the following statement applies:

I am filing a Statement of Occupancy because I served the tenant(s) with a notice to vacate based on an owner or relative move-in pursuant to Ordinance §37.9(a)(8), I have recovered possession of the unit, and the owner or relative for whom the tenant(s) was evicted is NOT occupying the unit as that person's principal residence.

The notice to vacate was served on \_\_\_\_\_ . I recovered possession on: \_\_\_\_\_.

Please check one of the following:

- I am filing this as a Statement of Occupancy which is due  within 90 days of the date of service of the notice to vacate on the tenant(s) or  within 80-90 days after I filed the most recent Statement of Occupancy.  I missed the filing deadline.
- I am filing this annual Statement of Occupancy no later than (check one):  11-12 months  23-24 months  35-36 months  47-48 months  59-60 months AFTER the date the tenant(s) moved out.  I missed the filing deadline for this year's annual Statement of Occupancy.

After filing Form C for the first time, the next Statement of Occupancy (either an annual Form B or an annual Form C) will be due 11-12 months after the date the tenant(s) moved out.

**ITEM G-1  
ATTACHMENT 5**

**San Francisco Residential Rent Stabilization and Arbitration Board**

**FORM A – STATEMENT OF OCCUPANCY**

**Use this form if you have not yet recovered possession of the tenant's rental unit.**

Please complete the information requested below. **DO NOT LEAVE ANY BLANKS.** Failure to provide all of the requested information may subject the owner to administrative penalties.

1. Have you recovered possession of the unit?

Yes (STOP! You must complete FORM B or FORM C.)  No

2. Are you still pursuing the eviction of the tenant?

Yes (Skip to question 3.)  No

If NO,

(a) Have you notified the tenant in writing that the notice to vacate has been rescinded?

Yes. (Please attach a copy of the written notice to the tenant that rescinds the notice to vacate.)  
 No

(b) Has the Rent Board granted your written Request for Rescission of the Owner Move-in Eviction Notice?

Yes. (Please attach a copy of the Rent Board's Order granting the Request for Rescission. Since your Request for Rescission was granted, you do not need to complete the rest of this Form A and you are not required to file any subsequent Statements of Occupancy. However, you must timely file this Statement of Occupancy with the Rent Board.)  
 No

(c) Does any tenant who was served with the notice to vacate still occupy the unit after written rescission of the notice to vacate and/or rescission by the Rent Board of the recorded Notice of Constraints?

Yes. (Please provide the name(s) and contact information of the tenant(s) in occupancy and attach proof of the most recent rental payment received from the tenant(s) and proof that the owner has deposited or cashed it.)  
 No

_____	_____	_____
(Name of Tenant)	(Telephone Number)	(Email Address)
_____	_____	_____
(Name of Tenant)	(Telephone Number)	(Email Address)
_____	_____	_____
(Name of Tenant)	(Telephone Number)	(Email Address)

**Please attach an additional sheet of paper if needed in order to include all tenants currently occupying the unit.**

3. Have you filed an Unlawful Detainer action against the tenant to recover possession of the unit?

Yes. Date filed: \_\_\_\_\_  No

4. The current rent for the unit is: \_\_\_\_\_

5. List the full name(s) of all persons currently holding a full or partial percentage ownership in the property, the percentage of ownership interest, and the date that the current percentage of ownership interest was recorded.

_____	_____	_____
(Name of Owner)	(Current Percentage of Ownership)	(Date Current Ownership Interest Was Recorded)
_____	_____	_____
(Name of Owner)	(Current Percentage of Ownership)	(Date Current Ownership Interest Was Recorded)
_____	_____	_____
(Name of Owner)	(Current Percentage of Ownership)	(Date Current Ownership Interest Was Recorded)

**Please attach an additional sheet of paper if needed in order to include all persons with an ownership interest in the property.**

**ITEM G-1  
ATTACHMENT 5**

**San Francisco Residential Rent Stabilization and Arbitration Board**

6. The owner is endeavoring to recover possession of the rental unit for use as the principal residence of the following person(s): (Check one of the following)

Owner(s) \_\_\_\_\_  
(Name of Owner) (Name of Owner)

Relative(s) \_\_\_\_\_  
(Name of Relative) (Relationship to Owner)

7. Provide a description (e.g. address, size of building, number of bedrooms and bathrooms) of the current residence of the owner or relative for whom possession of the unit is being sought.

8. Explain why the owner or relative is moving from his/her current residence to the subject unit.

9. Provide a description of all residential properties owned in whole or in part, by the owner and, if applicable, a description of all residential properties owned, in whole or in part, by the owner's relative for whom possession of the unit is being sought.

10. Have you served a notice to vacate pursuant to Ordinance Section 37.9(a)(8)(i) for a different rental unit based on an owner move-in eviction?

Yes. Date of service of the notice to vacate: \_\_\_\_\_

Address of the unit: \_\_\_\_\_  
(Street No.) (Street Name) (City & State) (Zip Code)

No

11. Have you recovered possession of any other rental unit in the same building as the subject rental unit subsequent to the service of the owner or relative move-in eviction notice?

Yes. Date of service of the notice to vacate, if applicable: \_\_\_\_\_

Address of the unit: \_\_\_\_\_  
(Street No.) (Street Name) (City & State) (Zip Code)

No



**San Francisco Residential Rent Stabilization and Arbitration Board**

<p>A landlord who served a notice to vacate on or after January 1, 2018 pursuant to Rent Ordinance Section 37.9(a)(8) (owner or relative move-in) must complete a Statement of Occupancy and file it with the Rent Board within 90 days after the date the notice to vacate was served on the tenant, and shall file an updated Statement of Occupancy every 90 days thereafter; provided, however, if the Statement of Occupancy discloses that the landlord has recovered possession of the unit (i.e. the tenant(s) moved out), the landlord shall then be required to file updated Statements of Occupancy once a year for five years, no later than 12 months, 24 months, 36 months, 48 months and 60 months after the date the landlord recovered possession of the unit.</p>	<p align="center">Rent Board Date Stamp</p>
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**STATEMENT OF OCCUPANCY  
FOLLOWING SERVICE OF OWNER OR RELATIVE MOVE-IN EVICTION NOTICE**  
[Pursuant to Rent Ordinance §37.9(a)(8)(vii); Rules And Regulations §12.14(f)]

**↓Rental Unit Information↓**

\_\_\_\_\_ San Francisco, CA 941 \_\_\_\_\_  
(Street Number of Unit) (Street Name) (Unit Number) (Zip Code)

\_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
(Full Property Address) (Name of Building Complex, if applicable) (# of Units in Building)

**↓Owner Information↓**

Owner's Name: \_\_\_\_\_ Case No. \_\_\_\_\_  
(First) (Middle Initial) (Last)

Owner's Mailing Address: \_\_\_\_\_  
(Street Number) (Street Name) (Apt./Suite Number) (City & State) (Zip Code)

Primary Phone: \_\_\_\_\_ Other Phone: \_\_\_\_\_

Fax Number: \_\_\_\_\_ Email: \_\_\_\_\_

**↓Declaration↓**

**I declare under penalty of perjury under the laws of the State of California that every statement in this Statement of Occupancy and every attached document is true and correct to the best of my knowledge and belief. I also acknowledge that the Rent Board will make all reasonable efforts to send a copy of this Statement of Occupancy to the tenant(s) within 30 days of filing, and if it's not filed by the due date, the Rent Board will make all reasonable efforts to send the tenant(s) a notice that it wasn't timely filed.**

\_\_\_\_\_  
 Signature of Owner \_\_\_\_\_  
 Date

*NOTE: Any landlord who fails to timely file a completed Statement of Occupancy with the supporting documentation required by Rules and Regulations §12.14(f)(4) (if applicable) will be subject to an administrative penalty in the following amounts: \$250 for the first violation, \$500 for the second violation, and \$1000 for every subsequent violation. See Rules and Regulations §12.14(f)(6) for more information. In addition, the Rent Board is required to send to the District Attorney a random sample of 10% of all Statements of Occupancy each month, as well as a list of units for which the required Statement of Occupancy was not filed with the Rent Board. In cases where the District Attorney determines that Ordinance Section 37.9(a)(8) has been violated, the District Attorney shall take whatever action he or she deems appropriate under the Rent Ordinance or state law.*

## San Francisco Residential Rent Stabilization and Arbitration Board

**↓Landlord Has Not Recovered Possession of the Unit↓****ATTACH FORM A – STATEMENT OF OCCUPANCY if the following statement applies:**

I am filing a Statement of Occupancy because I served the tenant(s) with a notice to vacate based on an owner or relative move-in pursuant to Ordinance §37.9(a)(8), and I have not recovered possession of the unit.

The notice to vacate was served on: \_\_\_\_\_.

Please check one of the following:

- I am filing this as a first Statement of Occupancy which is due within 90 days of the date of service of the notice to vacate on the tenant(s).  I missed the filing deadline.
- I am filing this as an updated Statement of Occupancy which is due 80-90 days after I filed the most recent Statement of Occupancy, because I still have not recovered possession of the unit.  I missed the filing deadline.
- I am no longer endeavoring to recover possession of the unit, the tenant(s) did not move out, I notified the tenant(s) in writing that the notice to vacate has been rescinded AND the Rent Board has granted my Request for Rescission of the Owner Move-In Eviction Notice.

**↓Landlord Has Recovered Possession and the Owner or Relative is Occupying the Unit↓****ATTACH FORM B – STATEMENT OF OCCUPANCY if the following statement applies:**

I am filing a Statement of Occupancy because I served the tenant(s) with a notice to vacate based on an owner or relative move-in pursuant to Ordinance §37.9(a)(8), I have recovered possession of the unit, and the owner or relative for whom the tenant(s) was evicted is currently occupying the unit as that person's principal residence.

The notice to vacate was served on \_\_\_\_\_ . I recovered possession on: \_\_\_\_\_.

Please check one of the following:

- I am filing this as a Statement of Occupancy which is due  within 90 days of the date of service of the notice to vacate on the tenant(s) or  within 80-90 days after I filed the most recent Statement of Occupancy.  I missed the filing deadline.
- I am filing this annual Statement of Occupancy no later than (check one):  11-12 months  23-24 months  
 35-36 months  47-48 months  59-60 months AFTER the date the tenant(s) moved out.  
 I missed the filing deadline for this year's annual Statement of Occupancy.

**↓Landlord Has Recovered Possession and the Owner or Relative is NOT Occupying the Unit↓****ATTACH FORM C – STATEMENT OF OCCUPANCY if the following statement applies:**

I am filing a Statement of Occupancy because I served the tenant(s) with a notice to vacate based on an owner or relative move-in pursuant to Ordinance §37.9(a)(8), I have recovered possession of the unit, and the owner or relative for whom the tenant(s) was evicted is NOT occupying the unit as that person's principal residence.

The notice to vacate was served on \_\_\_\_\_ . I recovered possession on: \_\_\_\_\_.

Please check one of the following:

- I am filing this as a Statement of Occupancy which is due  within 90 days of the date of service of the notice to vacate on the tenant(s) or  within 80-90 days after I filed the most recent Statement of Occupancy.  I missed the filing deadline.
- I am filing this annual Statement of Occupancy no later than (check one):  11-12 months  23-24 months  
 35-36 months  47-48 months  59-60 months AFTER the date the tenant(s) moved out.  
 I missed the filing deadline for this year's annual Statement of Occupancy.

*After filing Form C for the first time, the next Statement of Occupancy (either an annual Form B or an annual Form C) will be due 11-12 months after the date the tenant(s) moved out.*

**San Francisco Residential Rent Stabilization and Arbitration Board**

**FORM B – STATEMENT OF OCCUPANCY**

**Use this form if you already recovered possession of the unit AND  
the owner or relative for whom the tenant was evicted is currently occupying the unit.**

Please complete the information requested below. **DO NOT LEAVE ANY BLANKS.** Failure to provide all of the requested information may subject the owner to administrative penalties.

1. Have you recovered possession of the unit?  
 Yes       No (STOP! You must complete FORM A.)
  
2. Is the owner or relative for whom the tenant was evicted currently occupying the unit as their principal residence?  
 Yes       No (STOP! You must complete FORM C.)
  
3. The current occupant is the  Owner or  Relative of the Owner for whom the tenant was evicted?
  
4. List the name(s) of ALL of the current occupant(s) of the unit, their percentage of ownership interest (if any) and the date their occupancy commenced.

(Name)	(Current Percentage of Ownership)	(Date Occupancy Commenced)
(Name)	(Current Percentage of Ownership)	(Date Occupancy Commenced)
(Name)	(Current Percentage of Ownership)	(Date Occupancy Commenced)
(Name)	(Current Percentage of Ownership)	(Date Occupancy Commenced)

*Please attach an additional sheet of paper if needed in order to include all persons currently occupying the unit.*

5. For each owner or relative named in the eviction notice, you must attach at least two (2) forms of supporting documentation from the list specified below. Only documents from the list below should be submitted – substitutions will not be accepted. Confidential information may be redacted from the supporting documentation prior to filing this form with the Rent Board. Check the boxes that correspond to the types of supporting documentation you are attaching to this Statement of Occupancy.
  - current motor vehicle registration, plus a copy of the current insurance policy for the vehicle that shows the name of the insured, the address of the unit and the period of coverage, with proof of payment
  - current driver's license/interim driver's license that shows the address of the unit stated on the eviction notice OR current California identification card from the Dept. of Motor Vehicles (DMV) that shows the address of the unit stated on the eviction notice OR current driver's license with former address, accompanied by a dated DMV website printout confirming receipt of Change of Address request that shows the address of the unit stated on the eviction notice
  - correspondence from the Social Security Administration that shows the name of the recipient, the address of the unit stated on the eviction notice and the date
  - current voter registration showing name of owner or relative named in the eviction notice, address of the unit stated on the eviction notice and the date printed or issued

*(continued on next page)*

**ITEM G-1  
ATTACHMENT 5**

**San Francisco Residential Rent Stabilization and Arbitration Board**

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- current homeowner's or renter's insurance policy for the contents of the unit showing the name of the insured, the unit stated on the eviction notice as the mailing address of the insured, the address of the insured property as containing the unit stated on the eviction notice and the period of coverage, with proof of payment
- most recent state or federal tax return that shows the name and address of the owner or relative occupying the unit and proof of filing
6. Have the current occupant's personal possessions been moved into the unit?  
 Yes       No
7. If the current occupant is the owner's relative for whom the tenant was evicted, is s/he paying rent for the unit?  
 Yes. The current rent for the unit is: \$ \_\_\_\_\_  
 No  
 Not Applicable, because the unit is occupied by the owner.
8. The subject unit is listed as the current occupant's place of residence on (check all that apply):  
 motor vehicle registration       homeowner's or renter's insurance policy  
 driver's license       used by or for the person's current employer and any public agency, including state and local taxing authorities  
 automobile insurance policy
9. Are the utilities installed at the unit under the owner's or relative's name?  
 Owner's Name       Relative's Name
10. If the unit is owner-occupied, has the owner claimed a homeowner's tax exemption for the subject unit?  
 Yes       No       Not Applicable, because the unit is not occupied by the owner.
11. Has the current occupant filed a U.S. Postal Service Change of Address form?  
 Yes       No
12. Is the subject unit the place the current occupant normally returns to as his/her home, exclusive of military service, hospitalization, vacation, or travel that is necessitated by employment?  
 Yes       No
13. Did the current occupant give a notice to move at another dwelling unit in order to move into the subject unit?  
 Yes       No
14. If the unit is owner-occupied, did the owner sell or place on the market for sale the home s/he occupied prior to the subject unit?  
 Yes       No       Not Applicable, because the unit is not occupied by the owner.



# ITEM G-1 ATTACHMENT 5

## San Francisco Residential Rent Stabilization and Arbitration Board

A landlord who served a notice to vacate on or after January 1, 2018 pursuant to Rent Ordinance Section 37.9(a)(8) (owner or relative move-in) must complete a Statement of Occupancy and file it with the Rent Board within 90 days after the date the notice to vacate was served on the tenant, and shall file an updated Statement of Occupancy every 90 days thereafter; provided, however, if the Statement of Occupancy discloses that the landlord has recovered possession of the unit (i.e. the tenant(s) moved out), the landlord shall then be required to file updated Statements of Occupancy once a year for five years, no later than 12 months, 24 months, 36 months, 48 months and 60 months after the date the landlord recovered possession of the unit.

Rent Board Date Stamp

### STATEMENT OF OCCUPANCY FOLLOWING SERVICE OF OWNER OR RELATIVE MOVE-IN EVICTION NOTICE [Pursuant to Rent Ordinance §37.9(a)(8)(vii); Rules And Regulations §12.14(f)]

#### ↓Rental Unit Information↓

(Street Number of Unit) \_\_\_\_\_ (Street Name) \_\_\_\_\_ (Unit Number) \_\_\_\_\_ San Francisco, CA 941 \_\_\_\_\_ (Zip Code)  
(Full Property Address) \_\_\_\_\_ (Name of Building Complex, if applicable) \_\_\_\_\_ (# of Units in Building) \_\_\_\_\_

#### ↓Owner Information↓

Owner's Name: \_\_\_\_\_ (First) \_\_\_\_\_ (Middle Initial) \_\_\_\_\_ (Last) \_\_\_\_\_ Case No. \_\_\_\_\_  
Owner's Mailing Address: \_\_\_\_\_ (Street Number) \_\_\_\_\_ (Street Name) \_\_\_\_\_ (Apt./Suite Number) \_\_\_\_\_ (City & State) \_\_\_\_\_ (Zip Code)  
Primary Phone: \_\_\_\_\_ Other Phone: \_\_\_\_\_  
Fax Number: \_\_\_\_\_ Email: \_\_\_\_\_

#### ↓Declaration↓

I declare under penalty of perjury under the laws of the State of California that every statement in this Statement of Occupancy and every attached document is true and correct to the best of my knowledge and belief. I also acknowledge that the Rent Board will make all reasonable efforts to send a copy of this Statement of Occupancy to the tenant(s) within 30 days of filing, and if it's not filed by the due date, the Rent Board will make all reasonable efforts to send the tenant(s) a notice that it wasn't timely filed.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

*NOTE: Any landlord who fails to timely file a completed Statement of Occupancy with the supporting documentation required by Rules and Regulations §12.14(f)(4) (if applicable) will be subject to an administrative penalty in the following amounts: \$250 for the first violation, \$500 for the second violation, and \$1000 for every subsequent violation. See Rules and Regulations §12.14(f)(6) for more information. In addition, the Rent Board is required to send to the District Attorney a random sample of 10% of all Statements of Occupancy each month, as well as a list of units for which the required Statement of Occupancy was not filed with the Rent Board. In cases where the District Attorney determines that Ordinance Section 37.9(a)(8) has been violated, the District Attorney shall take whatever action he or she deems appropriate under the Rent Ordinance or state law.*

## San Francisco Residential Rent Stabilization and Arbitration Board

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**↓ Landlord Has Not Recovered Possession of the Unit ↓**


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**ATTACH FORM A – STATEMENT OF OCCUPANCY if the following statement applies:**

I am filing a Statement of Occupancy because I served the tenant(s) with a notice to vacate based on an owner or relative move-in pursuant to Ordinance §37.9(a)(8), and I have not recovered possession of the unit.

The notice to vacate was served on: \_\_\_\_\_.

Please check one of the following:

- I am filing this as a first Statement of Occupancy which is due within 90 days of the date of service of the notice to vacate on the tenant(s).  I missed the filing deadline.
- I am filing this as an updated Statement of Occupancy which is due 80-90 days after I filed the most recent Statement of Occupancy, because I still have not recovered possession of the unit.  I missed the filing deadline.
- I am no longer endeavoring to recover possession of the unit, the tenant(s) did not move out, I notified the tenant(s) in writing that the notice to vacate has been rescinded AND the Rent Board has granted my Request for Rescission of the Owner Move-In Eviction Notice.

---

**↓ Landlord Has Recovered Possession and the Owner or Relative is Occupying the Unit ↓**


---

**ATTACH FORM B – STATEMENT OF OCCUPANCY if the following statement applies:**

I am filing a Statement of Occupancy because I served the tenant(s) with a notice to vacate based on an owner or relative move-in pursuant to Ordinance §37.9(a)(8), I have recovered possession of the unit, and the owner or relative for whom the tenant(s) was evicted is currently occupying the unit as that person's principal residence.

The notice to vacate was served on \_\_\_\_\_ . I recovered possession on: \_\_\_\_\_.

Please check one of the following:

- I am filing this as a Statement of Occupancy which is due  within 90 days of the date of service of the notice to vacate on the tenant(s) or  within 80-90 days after I filed the most recent Statement of Occupancy.  I missed the filing deadline.
- I am filing this annual Statement of Occupancy no later than (check one):  11-12 months  23-24 months  35-36 months  47-48 months  59-60 months AFTER the date the tenant(s) moved out.  
 I missed the filing deadline for this year's annual Statement of Occupancy.

---

**↓ Landlord Has Recovered Possession and the Owner or Relative is NOT Occupying the Unit ↓**


---

**ATTACH FORM C – STATEMENT OF OCCUPANCY if the following statement applies:**

I am filing a Statement of Occupancy because I served the tenant(s) with a notice to vacate based on an owner or relative move-in pursuant to Ordinance §37.9(a)(8), I have recovered possession of the unit, and the owner or relative for whom the tenant(s) was evicted is NOT occupying the unit as that person's principal residence.

The notice to vacate was served on \_\_\_\_\_ . I recovered possession on: \_\_\_\_\_.

Please check one of the following:

- I am filing this as a Statement of Occupancy which is due  within 90 days of the date of service of the notice to vacate on the tenant(s) or  within 80-90 days after I filed the most recent Statement of Occupancy.  I missed the filing deadline.
- I am filing this annual Statement of Occupancy no later than (check one):  11-12 months  23-24 months  35-36 months  47-48 months  59-60 months AFTER the date the tenant(s) moved out.  
 I missed the filing deadline for this year's annual Statement of Occupancy.

*After filing Form C for the first time, the next Statement of Occupancy (either an annual Form B or an annual Form C) will be due 11-12 months after the date the tenant(s) moved out.*

San Francisco Residential Rent Stabilization and Arbitration Board

FORM C – STATEMENT OF OCCUPANCY

Use this form if you have already recovered possession of the unit AND the owner or relative for whom the tenant was evicted is NOT currently occupying the unit.

Please complete the information requested below. DO NOT LEAVE ANY BLANKS. Failure to provide all of the requested information may subject the owner to administrative penalties.

1. Have you recovered possession of the unit?  
 Yes       No (STOP! You must complete FORM A.)
2. Is the owner or relative for whom the tenant was evicted currently occupying the unit as their principal residence?  
 Yes (STOP! You must complete FORM B.)     No
3. If the owner or relative for whom the tenant was evicted NEVER occupied the unit as that person's principal residence, state the reasons why occupancy has not yet commenced.

4. If the owner or relative for whom the tenant was evicted EVER occupied the unit as that person's principal residence, provide the dates of such occupancy and state the reasons why the unit is no longer occupied by that person.

5. If the owner or relative for whom the tenant was evicted moved out of the unit within five years after the service of the notice to vacate, was the unit offered to the displaced tenant for re-rental?  
 No  
 Yes (Please attach a copy of the offer to re-rent the unit.)
6. Has the unit been re-rented?  
 No  
 Yes. The unit was re-rented to:  the displaced tenant     someone other than the displaced tenant.

The amount of rent paid by the current tenant is: \$ \_\_\_\_\_

**NOTE: After filing Form C for the first time, the next Statement of Occupancy (either an annual Form B or an annual Form C) will be due 11-12 months after the date the tenant(s) moved out.**



**San Francisco Residential Rent  
Stabilization and Arbitration Board**

*NOTE: Owners seeking to rescind an owner or relative move-in eviction notice filed with the Rent Board pursuant to Ordinance Section 37.9B(e) must submit this completed form to the Residential Rent Stabilization and Arbitration Board. The Board will then determine if a hearing is necessary.*

Rent Board Date Stamp

**REQUEST FOR RESCISSION OF OWNER MOVE-IN EVICTION NOTICE  
[RENT ORDINANCE SECTION 37.9B(e)]**

**↓Rental Unit Information↓**

Street Number of Unit \_\_\_\_\_ Street Name \_\_\_\_\_ Unit Number \_\_\_\_\_ San Francisco, CA 941 \_\_\_\_\_ Zip Code \_\_\_\_\_

Name of Building Complex (If Applicable) \_\_\_\_\_ Entire Building Address (lowest & highest numbers) \_\_\_\_\_ # of Units in Building \_\_\_\_\_

**↓Owner Information↓**

Name of Company (if applicable) \_\_\_\_\_ First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_ Last Name \_\_\_\_\_

**Mailing Address:** Street Number \_\_\_\_\_ Street Name \_\_\_\_\_ Unit Number \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Primary Phone Number \_\_\_\_\_ Other Phone Number \_\_\_\_\_

**↓ Landlord Attorney Information (if applicable) ↓**

First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_ Last Name \_\_\_\_\_

**Mailing Address:** Street Number \_\_\_\_\_ Street Name \_\_\_\_\_ Unit Number \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Primary Phone Number \_\_\_\_\_ Other Phone Number \_\_\_\_\_

**↓Tenant Information↓** *Please list each tenant named in the Notice of Termination. If more room is needed, attach additional sheet.*

Unit #	Name of Tenant	Phone Number of Tenant	Date of Service of Notice to Quit
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**↓Tenant Attorney Information (if applicable)↓**

First Name \_\_\_\_\_ Middle Initial \_\_\_\_\_ Last Name \_\_\_\_\_

**Mailing Address:** Street Number \_\_\_\_\_ Street Name \_\_\_\_\_ Unit Number \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Primary Phone Number \_\_\_\_\_ Other Phone Number \_\_\_\_\_



# ITEM G-1 ATTACHMENT 5

## San Francisco Residential Rent Stabilization and Arbitration Board

<p>Beginning January 1, 2018, a landlord who serves a tenant with a notice to vacate pursuant to Rent Ordinance Section 37.9(a)(8) (owner or relative move-in) must attach a blank <b>Notice of Tenant's Change of Address</b> form that the tenant can use to keep the Rent Board apprised of any future change of address. The Rent Board will use the tenant's contact information as follows: (1) to notify the tenant that the landlord filed a copy of an offer to the tenant to re-rent the unit from which the tenant was evicted; (2) to send the tenant a copy of the landlord's Statement of Occupancy, as required by Rent Ordinance Section 37.9(a)(8)(vii); and (3) if applicable, to send the tenant notice that the landlord has not filed a required Statement of Occupancy.</p>	<p>Rent Board Date Stamp</p>
---	------------------------------

### NOTICE OF TENANT'S CHANGE OF ADDRESS FOLLOWING OWNER OR RELATIVE MOVE-IN EVICTION [Pursuant to Rent Ordinance Section 37.9(a)(8)(v)]

#### ↓ Tenant Information ↓

Tenant's Name: \_\_\_\_\_  
(First) (Middle Initial) (Last)

\_\_\_\_\_  
(Primary Phone Number) (Other Phone Number) (Primary Email Address) (Other Email Address)

#### ↓ Rental Unit Information ↓ Enter the address of the unit from which you were evicted.

\_\_\_\_\_  
(Street Number of the Unit) (Street Name) (Unit Number) (City/ State) (Zip Code)

**I wish to be contacted by email and at the following address(es) if the rental unit from which I was evicted is offered for rent or lease within five years of the date service of the eviction notice:**

#### ↓ New Address ↓

\_\_\_\_\_  
(Street Number of the Unit) (Street Name) (Unit Number) (City/ State) (Zip Code)

#### ↓ Other New Address ↓

\_\_\_\_\_  
(Street Number of the Unit) (Street Name) (Unit Number) (City/ State) (Zip Code)

If you require this form in Spanish, Chinese or Filipino, please call 415-252-4602 or visit the Rent Board's office at 25 Van Ness Avenue, #320, San Francisco.

***Si necesita este formulario en Español, por favor llame al 415-252-4602 o visite a la oficina de La Junta del Control de Rentas en 25 Van Ness Avenue, #320, San Francisco.***

如果您需要此表格的中文版本, 請致電 415-252-4602 或造訪租務委員會辦公室, 地址是 : 25 Van Ness Avenue, #320, San Francisco.

***Kung kailangan ninyo ng form na ito sa Filipino, mangyaring tumawag sa 415-252-4602 o pumunta sa opisina ng San Francisco Rent Board na matatagpuan sa 25 Van Ness Avenue, #320, San Francisco.***

**REQUEST FOR RESCISSION OF OWNER MOVE-IN EVICTION NOTICE**  
 [RENT ORDINANCE SECTION 37.9B(e)]

**↓Owner's Statement↓**

I wish to rescind the Notice of Termination of Tenancy for owner or relative move-in that was filed with the San Francisco Rent Board on \_\_\_\_\_  
 (date)

**Basis of Rescission (one box must be checked):**

a. **I declare that all tenants will remain in possession of the unit after the effective date of the Notice of Termination of Tenancy, and that no tenant has agreed to vacate the unit.**  
*(Written notice to the tenant(s) stating that the owner/relative move-in eviction notice has been rescinded must be attached.)*

b. **Extraordinary circumstances exist to justify rescission of the owner/relative move-in eviction notice in this case.** *(Check the appropriate box below.)*

**I served a new owner/relative move-in eviction notice on the same tenant(s) for the same rental unit and it supersedes an earlier owner/relative move-in eviction notice.**  
*(Written notice to the tenant(s) stating that the earlier owner/relative move-in eviction notice has been rescinded must be attached.)*

**Other circumstances.** *(State the complete basis for your claim.)*

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**↓Owner's Declaration↓**

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on \_\_\_\_\_ in \_\_\_\_\_, California.  
 (date) (city)

\_\_\_\_\_  
 (print name) (Owner signature)



Community

Business

Visitors

Government

Environment



Doing Business With the City

Business Incentives

Blogs: Maps & Apps

Calendar: Data & Demographics

City Information: Economic Development

Frequently Asked Questions

Hot Topics

Local Resources

Most Requested

News Releases

Department News Briefs

Notify Me

Program Directory

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Greening Your Business

International Relations

Permit Center

Planning & Development

Start a Business

Small Business Resources

Tax Forms & Business Permits

Workforce Programs

Search Forms:

Word or Phrase

Select a Category



By [signing in or creating an account](#), some fields will auto-populate with your information and your submitted forms will be saved and accessible to you.

Online Notice of Termination of Tenancy

Sign in to Save Progress

RENTAL PROPERTY INFORMATION

House Number\*

Street Name\*

Street Type

Apt/Unit #\*

-- Select One --

Zip Code\*

JUST CAUSE FOR EVICTION OR TERMINATION OF TENANCY

Please note: The Just Causes must be listed on the Notice of Termination of Tenancy served to the Tenant. Also, Relocation benefits must be paid when a tenant is being removed from an apartment for reasons 8-12.

Please indicate the applicable Just Cause for Eviction or Termination:\*

10. Owner move-in

Date of Notice of Termination of Tenancy:\*

mm/dd/yyyy

Initial Notice or Summons and Complaint

Initial Notice

Summons and Complaint

Please indicate if this is an initial notice of termination or an unlawful detainer.

**Pay or Quit Rent  
Amount (if applicable)**

Please indicate how much rent was due at the time of the notice.

---

**COPY OF NOTICE OF TERMINATION OF TENANCY**

Please upload a PDF copy of the Termination of Tenancy served to the Tenant.

**Supporting  
Documentation\***

No f...sen

---

**First Name\***

**Last Name\***

**Phone\***

**E-mail**

**Date\***

mm/dd/yyyy

**Form Resubmission?**

Check this box if you are resubmitting this form to correct an error.

Receive email copy

**Email address**

This field is not part of the form submission.

\* indicates a required field

**San José City Hall**

200 E. Santa Clara St.  
San José, CA 95113  
408 535-3500 Main  
408 294-9337 TTY  
Directions



Select Language ▼

The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

About sanjoseca.gov  
Newsroom  
Careers  
Mobile Site  
Print Friendly  
Site Map  
Contact Us

Code of Ethics  
Open Government  
Whistleblower Hotline  
Accessibility Instructions  
My Connection  
Powered by CIVICPLUS

For Employees  
Access eWay from home  
Employee Web Mail  
Website Administrators Login



**SANTA MONICA RENT CONTROL BOARD**

1685 Main Street, Room 202, Santa Monica, CA 90401  
■ (310) 458-8751 ■ www.smgov.net/rentcontrol

**Application for Exemption  
Owner-Occupancy of a Property of Three or Fewer Units**

For Office Use Only

MPP#: _____	Application #: _____
Site Address: _____	Date Returned: _____
_____	Date Filed: _____
Date Submitted: _____	90-day Deadline: _____
Fee Received: <input type="checkbox"/> Yes <input type="checkbox"/> No Initials: _____	120 Days Before Date Filed: _____

PLEASE PRINT OR TYPE

**GENERAL INFORMATION**

Property Address: \_\_\_\_\_ Santa Monica, CA  
 Number of Units: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**Applicant(s)**

Name(s): \_\_\_\_\_  
 Address: \_\_\_\_\_ Santa Monica, CA  
Street  
 Daytime telephone: ( ) \_\_\_\_\_ Cell: ( ) \_\_\_\_\_  
 Residence telephone: ( ) \_\_\_\_\_ E-mail: \_\_\_\_\_

**Attorney or other authorized representative (optional)**

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
Street City, State & Zip Code  
 Daytime telephone: ( ) \_\_\_\_\_ Cell: ( ) \_\_\_\_\_

**PROPERTY OWNERSHIP**

A copy of the recorded grant deed or other documents verifying ownership of at least a 50% interest in the property must be submitted with this application or it will not be accepted for filing. (See the instruction sheet for more information about acceptable deeds.)

Date of purchase: \_\_\_\_\_  
 Date moved onto property: \_\_\_\_\_

**VERIFICATION OF OCCUPANCY**

This application MUST be accompanied by copies of documents that indicate you have lived on the property continuously for 120 days prior to submitting your application. When submitting monthly bills, please provide at least four consecutive months of bills starting at least 120 days prior to the date you submit your application through the most recent bill.

Please provide as much documentation from each column as possible.

**Utilities**

.....  
Please provide the last four (4) consecutive months for each utility bill through the most recent bill.

- Telephone
- Gas
- Electric
- Water & trash
- Cable TV and internet provider
- Proof of the initial utility connection (can be a letter from the utility or your first bill after moving in)

**Banking/Financial**

- Credit card statements
- Bank statements
- Blank personal check (voided)
- Income Tax return

**Property or Moving**

- Car & home insurance premiums or policies
- Homeowner's exemption
- Post Office change of address order
- Mail addressed to you at the property address
- Forwarded mail
- Moving company receipt or other proof of move-in date

**Government Issued**

- Driver's license or California ID
- Car registration
- Property tax bills
- Voter registration

**Other**

- Other documents supporting continuous residence at the property

**TENANT INFORMATION**

You must include your tenants' names and current contact information.

Unit #: \_\_\_\_\_

Unit #: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

If the units are vacant, do you intend to rent the unit(s) within the next three months?  Yes  No

**OTHER RESIDENCES OR PROPERTIES YOU OWN**

Do you occupy any other property for residential purposes?  Yes  No

If yes, what percentage of your time is spent at this other residence? \_\_\_\_\_% List the address below:

\_\_\_\_\_ Street

\_\_\_\_\_ City

\_\_\_\_\_ State

\_\_\_\_\_ Zip

Do you own any other residential property?

Yes  No

If yes, list the address below:

\_\_\_\_\_  
Street City State Zip

Please explain how you use this property (for example, investment, alternate residence, personal office space, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets if needed to list other properties.)

**DECLARATION**

I declare that I have at least a 50% interest in the property and that I have resided there continuously as my principal place of residence since \_\_\_\_\_.  
Date

I declare under penalty of perjury that the foregoing is true and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Day Month Year  
at \_\_\_\_\_, California.  
City

**All owners listed as applicants on page 1 must sign.**

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Applicant

**Submission Checklist**

Please confirm that you have attached the following documents before submitting this application:

- Grant deed
  - Trust documents for a property held by a trust
- Documents verifying occupancy
- \$100 processing fee

***This page intentionally left blank***

## ***Instructions for Exemption Application***

Exemptions are **not** automatic. Landlords must apply and submit proof acceptable to the Rent Stabilization and Housing Division. The exemption is not effective until approved by the Division. Rent Stabilization Regulations Section 50003(a)(2), states that if the ownership of a property or unit which has been granted an exemption changes, the new owner shall be allowed a one-hundred eighty (180) day grace period in which to apply for an exemption. If the new owner fails to apply within that period, the exemption shall terminate automatically, effective with the date of ownership change. Consequently, landlords will be required to pay pro-rated registration fees from the date the exemption was terminated through the next June 30th. This section shall only apply to exemptions granted for uses pursuant to WHMC§ 17.24.010(a)(9) and (10). The grace period for probate properties shall begin when probate is settled.

According to Rent Stabilization Regulations Section 50003(b)(2), an exemption may be revoked if it is determined that the exemption was obtained through misrepresentation of the facts by the landlord, or if the use entitling a landlord to an exemption for a particular property or unit has changed. ***A copy of this application must be served on the occupants of the rental unit for which the landlord is seeking an exemption, or posted in a conspicuous location on the property, within five (5) business days of filing.***

### ***Who Should Use This Form?***

Landlords wishing to exempt a unit(s) for any of the following purposes:

- Units occupied by the landlord or the following relatives of the landlord: parent, grandparent, brother, sister, or child by blood or adoption.
- Units used for non-rental common-area purposes such as storage areas, laundry rooms, or community rooms.

### ***Who Should Not Use This Form?***

- Landlords who wish to apply for a building-wide exemption such as Non-Profit use under Section 501(c)(3) of the Internal Revenue Code; institutional; or commercial use.
- Condominium or single family home owners requesting a permanent exemption under RSO §17.24.010(a)(11) or (12).
- Properties removed from the rental market in accordance with Section 17.52.010(15) – Ellis Act.

**Please be advised that an individual unit does not qualify for an exemption just because the landlord chooses to keep it vacant.**

## ***How to Complete this Form***

### ***Property Address:***

Print or type the address of the property in question. *You are required to file an exemption application for each unit that you wish to be considered.*

### ***Landlord/Agent Information:***

Print or type the mailing address of the landlord, including a daytime phone number where the landlord or agent may be reached.

### ***To Add an Exemption:***

You must complete this section if you are filing to add an exemption to a property. Type or print the unit number of the unit you wish to exempt. Type or print the date the landlord or landlord's relative first began occupying the rental unit, or the date the unit was first converted to a non-rental use. Then check the type of exemption you are applying for, and attach the information and documentation requested under that section.

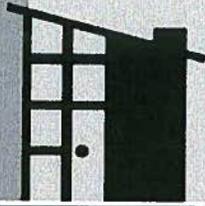
### ***To Remove An Exemption:***

Print or type the unit number of the unit you wish to remove the exemption. Print or type the date the unit lost its exempt status due to a change in conditions (the landlord or their relative moved out; the unit is being restored to a residential rental use, etc.). Check the box which describes the type of exemption you want to remove.

### ***Signature:***

Read the declaration carefully, sign and date the form. Print or type your name below the signature. This form will not be processed without the signature of the landlord or the landlord's agent.

**Rent  
Stabilization  
and Housing**  
City of West Hollywood



# EXEMPTION APPLICATION

8300 Santa Monica Blvd., West Hollywood, CA 90069 p: (323) 848-6450 Email: [rsd@weho.org](mailto:rsd@weho.org)

**Parcel Identification Number:** \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

**Property Address:** \_\_\_\_\_ (Street Number) \_\_\_\_\_ (Street Name)

**Landlord/Agent Information:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, & Zip Code: \_\_\_\_\_

**Add an Exemption:** Unit No.: \_\_\_\_\_ Date the Exemption Started: \_\_\_\_\_

*(Please check one category, and provide additional documentation and information as requested)*

- The owner now occupies the unit as their principal residence.**  
(Submit a copy of utility bill or other document which demonstrates residency.)
- The owner's relative now occupies the unit.**

Name of occupant: \_\_\_\_\_

Relationship to owner: \_\_\_\_\_  
(Submit a copy of utility bill or other document which demonstrates residency.)

- Conversion of the unit to a non-rental use, as defined by §17.24.010(a)(10) of the Rent Stabilization Ordinance (RSO).**

Describe the use \_\_\_\_\_

**Remove an Exemption:** Unit No.: \_\_\_\_\_ Date the Exemption Ended: \_\_\_\_\_

*(Please check the type of exemption that is being terminated. If no base rent has been established for this unit you must file the Base Rent Initialization form within thirty (30) days of renting the unit. Registration fees may be due on this unit from the date the exemption was terminated through the next June 30<sup>th</sup>).*

- The owner or their relative no longer occupies the unit.**
- Non-rental restored to residential rental use.**
- Returned to market after withdrawal of property.**
- No longer occupied by tenant under a Section 8 contract.**

**Declaration:**

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached pages, including documentation, are true, correct and complete.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

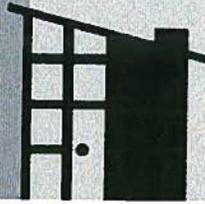
Print Name: \_\_\_\_\_

Office Use Only

**ATTACHMENT 8**

APPROVED _____	DATE _____	COMMENTS: _____ _____ _____
DENIED _____	DATE _____	
ENTERED _____	DATE _____	

**Rent  
Stabilization  
and Housing**  
City of West Hollywood



## **60-DAY NOTICE TO TERMINATE TENANCY FOR OWNER/RELATIVE OCCUPANCY**

8300 Santa Monica Blvd., West Hollywood, CA 90069 p: (323) 848-6450 Email: [rsd@weho.org](mailto:rsd@weho.org)

Pursuant to the City of West Hollywood Rent Stabilization Ordinance Section 17.52.010(12) an owner may permanently relocate a tenant if the unit is intended to be occupied by the landlord or a qualifying relative. If eligibility is met, the landlord must provide the tenant with a 60-Day Notice to Terminate Tenancy pursuant to the following requirements:

- ✓ The landlord **must** issue a "60-Day Notice to Terminate Tenancy for Owner/Relative Occupancy" to the tenant, only on the form approved by the City (see reverse side). The tenant may not waive the noticing requirement.
- ✓ The landlord **must** pay the relocation fee at the time the "60-Day Notice to Terminate Tenancy" is served to the tenant. The 60-Day noticing period will not start until the appropriate fees have been paid to the tenant and all required documents are submitted to the City.
- ✓ The landlord must instruct the tenant that within thirty (30) days of receiving the notice of termination of tenancy they must request the right-of-first refusal to move back into the unit and file with the City a copy of their notice of interest to re-rent. In addition, the tenant must be instructed on how to report to the landlord any future address changes.

Any inquiries regarding this form may be directed to a Rent Stabilization & Housing Division Information Coordinator by calling (323)848-6450.

**ITEM G-1**

**60-DAY NOTICE TO TERMINATE TENANCY ATTACHMENT 8  
FOR OWNER/RELATIVE OCCUPANCY**

To: \_\_\_\_\_ (names)

Tenant(s) in possession of the premises at, \_\_\_\_\_  
(Street Address) (Unit #)  
in the City of West Hollywood, County of Los Angeles, California.

Our records show that the current rent for this unit (without the \$6 Pass-through Reg. Fee) is: \$ \_\_\_\_\_

The current tenancy's move-in date was: \_\_\_\_\_  
Month/Year

You are hereby notified that effective 60 DAYS from the date of service on you of this notice, the tenancy by which you hold possession of the premises is terminated for the purpose of owner/relative occupancy in accordance with Section 17.52.010(12) of the Rent Stabilization Ordinance of the City of West Hollywood. Upon the date of termination, you are required to vacate and surrender possession of the premises.

You may contact the owner of the property in writing within 30 days of receiving this notice and request the right-of-first refusal to re-rent the unit when the owner moves out and offers the unit for rent again. You must keep the landlord advised of any future address changes if you remain interested in re-renting the unit.

The following person(s), residing at the given address(es), intend(s) to occupy the unit for 12 months or more consecutively as their primary place of residence:

Name of future occupants: \_\_\_\_\_  
(All persons moving into the unit)

Relationship to landlord: \_\_\_\_\_  
(If owner not moving in, describe the relationship to landlord of person moving in.)

Currently residing at: \_\_\_\_\_  
(Current Street Address of proposed occupants - City/State/Zip Code)

Check all that apply:

- The landlord has determined that they or their relative needs a unit with \_\_\_\_\_ bedrooms and you are the newest tenant in a unit with this number of bedrooms. (No. of Bdrms)
- The landlord or their relative has the following medical need for an amenity in your unit and you are the most recent tenant in a unit with this amenity (attach physician's documents describing medical need):

\_\_\_\_\_  
(Describe the physical need not met by a more recent tenant's unit)

This notice has been served along with payment of \$ \_\_\_\_\_ in check/money order/cashier's check/cash (circle payment type), as relocation fees in accordance with Rent Stabilization Ordinance Sections 17.52.010(12) and 17.52.020.

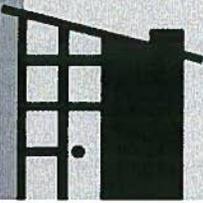
I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached pages, including documentation, are true, correct and complete.

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
Phone Number \_\_\_\_\_

A copy of this notice must be submitted to the Rent Stabilization and Housing Division (RSHD). RSHD will notify tenant and landlord that it has received the notice and that the notice meets or does not meet the standards of the Code based on Division records. If the RSHD finds that the notice meets the Code based on its records, it will inform the tenant of the Code's requirements and how to notify the Division and landlord if the tenant has evidence or records to show that the relocation does not comply with the Ordinance. Tenant should file a copy of interest in re-renting with RSHD.

Rent Stabilization and Housing City of West Hollywood



RELOCATION COUNSELING ASSISTANCE

8300 Santa Monica Blvd., West Hollywood, CA 90069 p: (323) 848-6450 Email: rsd@weho.org

Parcel Identification Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ TR# \_\_\_\_\_

Property Address: \_\_\_\_\_ (Street Number) (Street Name) (Number of Units)

Landlord Information:

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, & Zip Code: \_\_\_\_\_

Tenant Information: (If additional space is required use reverse side of this form)

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_ (Street Number) (Street Name) (Unit #)

Low Income Tenant Moderate Income Tenant Qualified Tenant\* - Specify: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_ (Street Number) (Street Name) (Unit #)

Low Income Tenant Moderate Income Tenant Qualified Tenant\* - Specify: \_\_\_\_\_

Purpose of Eviction(s): Owner/Relative Occupancy Ellis Act Correction of Violation(s) Foreclosure Other - Specify: \_\_\_\_\_

Calculation of Fees Owed:

Total number of units being evicted with Low/Moderate Income & Qualified Tenant(s): \_\_\_\_\_ X \$640.00 = \$ \_\_\_\_\_

Total number of units being evicted with Standard Tenant(s): \_\_\_\_\_ X \$400.00 = \$ \_\_\_\_\_

Total Amount of Relocation Counseling Fees Owed to the City of West Hollywood: \$ \_\_\_\_\_

Declaration:

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attached pages, including documentation, are true correct and complete.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

\* Qualified Tenant: Senior citizen, disabled, minor dependent(s), terminally ill.

**ITEM G-1  
ATTACHMENT 8**

**Tenant Information:** (continued from front)

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Number) (Street Name) (Unit #)

Low Income Tenant     Moderate Income Tenant     Qualified Tenant\* - Specify: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Number) (Street Name) (Unit #)

Low Income Tenant     Moderate Income Tenant     Qualified Tenant\* - Specify: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Number) (Street Name) (Unit #)

Low Income Tenant     Moderate Income Tenant     Qualified Tenant\* - Specify: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Number) (Street Name) (Unit #)

Low Income Tenant     Moderate Income Tenant     Qualified Tenant\* - Specify: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_) \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Number) (Street Name) (Unit #)

Low Income Tenant     Moderate Income Tenant     Qualified Tenant\* - Specify: \_\_\_\_\_

**NOTICE:** Acceptance of fees shall not constitute approval by the City of the applicant's compliance with the tenant relocation assistance provisions of the West Hollywood Rent Stabilization Ordinance or other legal requirements. Fees shall be non-refundable.

<b>Office Use Only</b>			
APPROVED _____	DATE _____	COMMENTS: _____	
DENIED _____	DATE _____	_____	
ENTERED _____	DATE _____	AMOUNT PAID: _____	CHECK NO. _____

\* **Qualified Tenant:** Senior citizen, disabled, households with minor dependent(s), terminally ill.

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