



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, September 18, 2019

Boardmembers

Alana Grice Conner
Virginia Finlay
Emma Gerould
Commieolla Duncan
Lauren Maddock

Link to Rent Board Meeting Agendas and Accompanying Materials:
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 August 21, 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 August 2019 Rent Program Monthly Report. *Paige Roosa*

F-4. RECEIVE the Rent Program FY 2019-20 Monthly Revenue and Expenditure Report through August 2019. *Paige Roosa*

F-5. APPROVE a correction to the minutes of the December 19, 2018, Regular Meeting of the Richmond Rent Board. *Cynthia Shaw*

G. REGULATIONS

G-1. RESCIND Regulation 842(B) and ADOPT Regulation 842.5 to clarify (1) when a Hearing Examiner's decision becomes effective and enforceable; (2) when a Landlord may recoup rents which accumulated during the pendency of an appeal; (3) when a Tenant may use excess *Nicolas Traylor
Charles Oshinuga*

rent to offset the monthly rent owed; (4) the impact that a finding of an excess rent liability has on a Landlords compliance with the Rent Ordinance; and (5) that a Tenant may not waive their rights granted under the Rent Ordinance as such a waiver would violate public policy.

H. RENT BOARD AS A WHOLE

- H-1.** APPROVE the participation of Rent Program staff members in the City of Richmond's Open Data dashboard to assist with reporting on City Council approved performance measures and strategic priorities. *Paige Roosa*

I. ORAL UPDATES

- I-1.** Oral Update on Statewide Rent Control Act: AB-1482 Tenant Protection Act of 2019. *Nicolas Traylor*

J. REPORTS OF OFFICERS

K. 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.

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 18, 2019

Final Decision Date Deadline: September 18, 2019

STATEMENT OF THE ISSUE: The minutes of the August 21, 2019, Regular Meeting of the Richmond Rent Board require approval.

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: APPROVE the minutes of the August 21, 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, August 21, 2019

The Regular Meeting of the Richmond Rent Board was called to order at 5:00 P.M.

PLEDGE TO THE FLAG

ROLL CALL

Present: Boardmembers Conner, Finlay, Duncan, Vice Chair Gerould and Chair Maddock.

Absent: None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

Item I-1 was moved to be heard after the Consent Calendar, before Item G-1, under Rent Board as a Whole.

PUBLIC FORUM

Cordell Hindler invited the Board to attend The Point Richmond Business Association monthly luncheon at Hotel Mac, held in the month of August. He also invited the Board to attend the Contra Costa Mayors Conference at the Fireside Hall, in the City of San Pablo, held in the month of September. He also requested that the possibility of Rent Boardmembers to receive a stipend for their service be added to the September Rent Board meeting agenda. He mentioned that he researched other Rent Control jurisdictions and their Boardmembers receive some sort of stipend for their service.

RENT BOARD CONSENT CALENDAR

On motion of Vice Chair Gerould, seconded by Boardmember Duncan, the item(s) marked with an (*) were approved by a unanimous vote of the Rent Board:

*F-1. Approve the minutes of the July 17, 2019, Regular Meeting of the Richmond Rent Board.

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

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

RENT BOARD AS A WHOLE

I-1. The matter to receive a presentation from staff members concerning community feedback regarding a proposed Owner Move-In eviction regulation and an analysis of Owner Move-In eviction cases filed with the Rent Program through July 1, 2019, and provide direction to staff was presented by Executive Director Nicolas Traylor, Deputy Director Paige Roosa, and Rent Program Services Analyst Vickie Medina. The presentation included background information, an overview of existing laws, the impetus for an Owner Move-In Regulation, case study research, a report on community engagement efforts, including survey results, workshop comments and focus group comments, an analysis of previously filed Owner Move-In eviction cases, a proposed timeline and next steps. Discussion ensued. There were no public comments on this item. No formal action was taken on this item; however, Boardmembers directed staff to (1) provide a report of all evictions from 2017 to present by property type; (2) present policy options for the Rent Board's consideration; and (3) report on the fiscal impact of administering a proposed OMI regulation and maintaining information about OMI evictions through the rental database at the September Rent Board Meeting.

G-1. The matter to receive training on the Richmond Rent Board Appeals Process was presented by Staff Attorney Charles Oshinuga. The presentation included a general overview of the appeal process, including an overview of terms, appeal process, appeal steps, submitting an appeal form, responding to an appeal, what happen when an appeal is filed, general structure of an appeal hearing, standard of review on appeal, the De Novo appeal hearing process, ruling on an appeal, and decorum. Discussion ensued. There were no public comments on this item. No action was taken.

CONSIDERATION OF APPEALS

H-1. The matter of Appeal regarding Petition No. RC18-T016 was presented by Staff Attorney Charles Oshinuga. Landlord appealed a Hearing Examiner's Decision that found that the Tenants' Rental Unit (1) lacked functioning permanent heating for a period of 25 months, (2) contained a cockroach infestation for a period of 25 months, (3) lacked adequate cooking facilities for a period of 25 months, (4) lacked an operable refrigerator for a

period of 20 months, (5) possessed inadequate safety due to the lack of exterior and garage door locks for a period of 22 months, (6) contained defects in the bathroom—inadequate caulking, leaking shower, nonfunctional bathroom window—for a period of 25 months, (7) contained mold impacting the health and/or safety of the Tenants for a period of 25 months, and (8) contained defective bedroom windows for a period of 25 months. Based on these issues, the Hearing Examiner awarded the Tenants Excess Rent in the amount of \$13,280.87 and reduced the Tenants Maximum Allowable Rent from \$905 to \$384.62. On appeal, Landlord contends that neither she nor the prior owner had notice of the alleged defects and, in any event, Respondents are solely responsible for any damage caused or habitability issues affecting the Rental Unit. All parties of the case were present. Initially, the Rent Board extended both parties' time to present due to translation assistance; however, the Respondents declined translation assistance and gave her representative the approval to present on her behalf. Each party was given 7 minutes to present its case. The timing was broken down as follows: Appellant presented first for 5 minutes, then Respondent presented for 7 minutes and finally, Appellant closed for 2 minutes. The appeal hearing began and the following individuals presented their case: Lorraine Tyler and Attorney Sarah McCracken. After hearing the issues brought on appeal and considering the arguments of all parties on appeal, the Board adopted Legal Staff's recommendation unchanged.

ORAL UPDATES

J-1. Executive Director Nicolas Traylor gave an oral update about the Rent Program's policy on Excess Rent Refunds. The presentation included background, new excess rent return policy and the recommended action. Discussion ensued. There were no public comments on this item. No action was taken on this item.

J-2. Staff Attorney Charles Oshinuga gave an oral update about the question regarding a stay of a hearing examiner's decision. He informed the Board that he is still researching the conflict between the Ordinance and Regulation 842 (b). He also gave information regarding the legality definition of what "stayed" means in the judicial system and the difference between decisions being stayed verses being effective pending appeal. He mentioned that he intends to provide a Regulation to the Board in September addressing this matter. There were no public comments on this item. No action was taken.

REPORTS OF OFFICERS

Executive Director Nicolas Traylor gave a brief update on the selection of the Rent Services Analyst position. He informed the Board that the position was offered to Philip Verma, who was formerly a temporary Rent Services Analyst. He also mentioned that interviews for the Staff Attorney position are scheduled for the week of August 26th and the week of September 3rd. He also mentioned that there are two Administrative Aide positions open. One of them is a result of the approved budget in March and the other position is a result from the retirement of Michelle Arriaga, effective August 1st.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:51 P.M.

Cynthia Shaw and Ramona Howell
Staff Clerks

(SEAL)

Approved:

Lauren Maddock, Chair

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 18, 2019

Final Decision Date Deadline: September 18, 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

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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> | |

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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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ITEM F-2 ATTACHMENT 1

From: Jennifer Wood [<mailto:jwood@jsco.net>]
Sent: Monday, August 19, 2019 5:35 PM
To: Nicolas Traylor; Paige Roosa
Subject: Richmond Rent Board Fees for Affordable Properties

Nicolas and Paige,

Thanks for reaching out to me recently about the new schedule of Richmond Housing Fees. I apologize for taking so long to get back to you...

I'm concerned about the increase in fees and impact on low-income properties where we already struggle to cover ordinary operating expenses. The increase from \$50 per unit to \$112 per unit is a 124% increase. At Triangle Court, we recently received an OCAF rent increase from HUD for our RAD units. OCAF stands for "Operating Cost Adjustment Factor" which is a figure identified by HUD annually that is applied to the non-debt service portion of our rent. The OCAF increase resulted in a 1% increase at this property.

Bedroom Size	# of Units	Current RAD Section 8 Contract Rents	OCAF Adjusted Rent (U x AA)
1BR	25	\$644	\$650
2BR	57	\$762	\$769
3BR	15	\$1,035	\$1,045

As you can see, the 1BR units increased by \$6 per month, 2BRs by \$7 and 3BRs by \$10. We've appealed to HACCC and they have agreed to let us apply for a missed increase from two years ago, but we do not expect it to amount to more than an additional few dollars per unit, since the same method will be utilized.

The increase in Richmond Housing Fees is very significant to the low-income properties. At Triangle Court, for example, the increase in fees takes 100% of the increase on our 1BR units. For a 2BR, we'll net \$12 over the year *if* we receive full payment and no other expenses increase, which is not realistic.

Is there any possible way that the Rent Board might reconsider the steep increase in fees? Is there more information you would be interested in reviewing? Is there any possible means to apply for a waiver of the fees entirely? If not paying the fees, the funds would be fully spent on property maintenance or improvements.

Thanks for your consideration!

Jennifer Wood

Vice President
The John Stewart Company
1388 Sutter Street, 11th Floor
San Francisco, CA 94109
Phone: (415) 345-4400
Fax: (415) 614-9175
www.jsco.net

ITEM F-2 ATTACHMENT 1

This message together with any attachments and responses (email) is intended only for the use of the individual or entity to which it is addressed. The contents of this email are considered proprietary and confidential and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this email, is strictly prohibited. If you have received this email in error, please notify the original sender immediately by telephone or by return e-mail and delete this e-mail, from your computer, without making any copies.

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 18, 2019

Final Decision Date Deadline: September 18, 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 |
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| <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 August 2019 Rent Program Monthly Report - Rent Program (Paige Roosa 620-6537).

AGENDA ITEM NO:

F-3.

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MEMORANDUM

TO: Members of the Rent Board

FROM: Paige Roosa, Deputy Director

DATE: September 18, 2019

SUBJECT: AUGUST 2019 MONTHLY ACTIVITY REPORT

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 or by calling (510) 234-RENT (7368).

August Agency Highlights***Rent Program staff members attended National Night Out to spread the word about the Rent Ordinance.***

For the third consecutive year, Rent Program staff members hosted an informational table at the City of Richmond's annual National Night Out event, held on the evening of August 6, 2019. National Night Out is a nation-wide event held for the purposes of building relationships between the community and police, encouraging residents to turn their porch lights on and employ crime prevention tactics, encouraging neighbors to get to know one another, take back communities from crime and violence, and build and re-build "neighborhood watch" strategies. Rent Program Services Analysts Vickie Medina and Magaly Chavez engaged community members at this well-attended event to share information about the Rent Program and requirements of the Rent Ordinance.

***Billing and Registration Unit staff members began preparations for the launch of the Fiscal Year 2019-20 Rental Housing Fee billing cycle.***

Staff members in the Billing and Registration Unit worked diligently during the month of August to ensure the dissemination of Fiscal Year 2019-20 Rental Housing Fee invoices in September. As the Rent Program's sole source of revenue, the Rental Housing Fee is essential to the Rent Program's success. Each year, the billing cycle presents an opportunity to share additional relevant information to property owners. An informational postcard and updated summary of fees applicable to residential rental properties in the City of Richmond will be mailed with each invoice, as we've found that the inclusion of such resources reduces confusion among the community. In addition, Billing and Registration Unit staff revised and improved the layout and design of the Rental Housing Fee invoice and coordinated with staff in the City's

IT and Finance Departments to provide guidance about how to handle the anticipated influx of payments and questions from community members.

Rent Program staff members attended the 2019 Contra Costa County Summer Block Party to inform community members about resources provided by the Rent Program.



The Contra Costa County Block Party is a public event that aims to provide a “one-stop” opportunity for community members to tap into services and learn about programs available in Contra Costa County and the block party’s hosting city. For the first two years, cities in Central County hosted the block party. This year, the City of Richmond hosted the event. With representation from a myriad of public service offices, the Block Party offered residents the opportunity to complete voter registration

documents, sign up for a library card, obtain animal licenses, complete applications for Medi-Cal, and seek employment opportunities. Rent Program Services Analyst Philip Verma and Administrative Interns Sarah Schaff and Erika Foster hosted an informational table to share information about the Rent Ordinance and services provided by the Rent Program with community members. Coverage of this event is accessible at <https://richmondpulse.org/2019/08/21/block-party-brings-services-to-the-people/>.

The August Community Workshop, titled “Rights and Responsibilities for Richmond Tenants” provided detailed information about the Rent Ordinance, Rent Program requirements, and related policies.

The August Community Workshop was attended by a small group of 14 community members and advocates who received information about the mechanics of Rent Control in California with respect to the Costa-Hawkins Rental Housing Act, the Just Cause for Eviction provisions of the Rent Ordinance, the Unlawful Detainer (eviction) process, Rent Adjustment Petitions, and related California Civil Codes. This month, I conducted the presentation to allow bilingual Rent Program Services Analyst Magaly Chavez to provide Spanish translation to community members. Following the presentation, attendees were provided an opportunity to ask questions of staff. Presentation materials are accessible at <http://www.ci.richmond.ca.us/3541/Workshops>.



Summary of ActivitiesI. Department Unit Activities

PUBLIC INFORMATION UNIT	<i>Occurrences</i>
Persons Assisted By Front Office Unit (without referral to an Analyst)	10
Total Consultations Provided by a Rent Program Services Analyst	472
Calls Received (<i>Phone Counseling Sessions</i>)	225
Walk-Ins (<i>Includes Appointments</i>)	144
Emails Received	73
Total Consultations Provided in a Language other than English	74
Consultations Provided in Spanish	72
Consultations Provided in Cantonese	1
Consultations Provided in Another Language	1
Legal Service Referral Forms Completed	10
Informal Mediations Conducted	2
Courtesy Compliance Letters Mailed	1
Invoices Generated	15
Community Workshop Attendees (<i>08/31/19 – Rights and Responsibilities for Richmond Tenants</i>)	14
Tenants Assisted	98
Landlords Assisted	61
Attorneys Assisted	4
Property Managers Assisted	2
Realtors Assisted	2
Homeowners (non-Landlords) Assisted	1
Social Workers Assisted	1
Prospective Purchasers of Rental Property Assisted	1
Hard Copy Rent Increase Notices Processed	57
Hard Copy Termination of Tenancy Notices Processed	8

BILLING AND REGISTRATION UNIT	<i>Occurrences</i>
Total Consultations with a Billing and Registration Unit Staff Member	97
Phone Call Consultations	63
Walk-In Consultations	7
Email Consultations	27
Enrollment/Tenancy Registration Packets Mailed	24

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BILLING AND REGISTRATION UNIT (continued)	<i>Occurrences</i>
Enrollment Forms Processed	59
Declarations of Exemption Processed	11
Invoices Generated	8,603
Payments/Checks Processed	28
Compliance Actions (<i>reviewing records, exemption statuses, owner addresses</i>)	122
Rental Units Discovered (<i>not in database, but in existence</i>)	32
Property Information Updated	20
Payments Returned	1
Total Monthly Revenue Collected (<i>08/01/19 – 08/31/19</i>)	\$44,282
Total Revenue Collected in FY 2019-20 (<i>through 08/31/19</i>)	\$92,469
Total Revenue Collected in FY 2018-19 (<i>through 06/30/19</i>)	\$2,191,880
Total Revenue Collected in FY 2017-18 (<i>07/01/17 – 06/30/18</i>)	\$1,878,330

LEGAL UNIT	<i>Occurrences</i>
Public Records Act Requests Received	4
Withdrawal from the Rental Market (Ellis Act) Notices Reviewed	2
Owner Move-In Termination Notices Reviewed	1
Temporary Termination of Tenancy In Order to Undertake Substantial Repairs Notices Reviewed	1

HEARINGS UNIT	<i>Occurrences</i>
Total Consultations with Hearings Unit Coordinator	42
Calls/Placed Received (<i>Regarding Hearings and Petitions</i>)	17
Walk-Ins (<i>Regarding Hearings and Petitions</i>)	8
Emails Sent/Received (<i>Regarding Hearings and Petitions</i>)	17
Total Landlord Petitions Received	0
Total Tenant Petitions Received	12
Tenant Petitions Based on Excess Rent or Failure to Return Security Deposit Received	2
Tenant Petitions Based on Decrease in Space/Services or Habitability Petitions Received	1
Tenant Petitions Based on Multiple Grounds Received	6
Tenant Petitions Based on Failure to Pay Relocation Payment Petitions Received	3
Total Other Petitions/Submissions Received	1
Requests for a Continuance of the Hearing Process Received	1
Total Number of Cases Closed	8
Decisions Ordered	2

ITEM F-3

HEARINGS UNIT (continued)	Occurrences
Cases Settled	4
Cases Dismissed	1
Petitions Withdrawn	1

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	1	3	-66.6%
Proof of Permanent Relocation Payment	1	0	N/A
Proof of Temporary Relocation Payment	1	0	N/A
Change in Terms of Tenancy Notices Filed	11	15	-26.6%
Rent Increase Notices Filed	498	1,087	-54.2%
Termination Notices Filed ¹	223	123	81.3%
<i>Applicable Just Cause for Eviction – Nonpayment of Rent</i>	214	114	87.7%
<i>Applicable Just Cause for Eviction – Breach of Lease</i>	2	1	100%
<i>Applicable Just Cause for Eviction – Nuisance</i>	0	3	-100%
<i>Applicable Just Cause for Eviction – Owner Move In</i>	1	5	-80%
<i>Applicable Just Cause for Eviction – Temporary Termination of Tenancy To Undertake Substantial Repairs</i>	3	0	N/A
<i>Applicable Just Cause for Eviction – Withdrawal From the Rental Market</i>	3	0	N/A
Agent Authorization	7	4	75%
Total Online Form Submissions	742	1,355	-45.3%

¹ 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.

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 18, 2019

Final Decision Date Deadline: September 18, 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

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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 |
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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 2019-20 Monthly Revenue and Expenditure Report through August 2019 – Rent Program (Paige Roosa 620-6537).

AGENDA ITEM NO:

F-4.

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Rent Program
FY2019-20 Monthly Revenue and Expenditure Report

ITEM F-4

CHARACTER	OBJECT	ORIGINAL BUDGET	REVISED BUDGET	Per 1 Jul-2019 MTD ACTUAL	Per 2 Aug-2019 MTD ACTUAL	ENCUMBRANCES	YTD TOTAL	AVAILABLE BUDGET	% USED		
34	LICENSES, PRIMITS&FEES	340445	FEES/Admin Fees	(2,923,584.00)	(2,923,584.00)	(48,187.00)	-	(48,187.00)	(2,875,397.00)	1.6%	
			TOTAL LICENSES, PRIMITS&FEES	(2,923,584.00)	(2,923,584.00)	(48,187.00)	-	(48,187.00)	(2,875,397.00)	1.6%	
			TOTAL REVENUE	(2,923,584.00)	(2,923,584.00)	(48,187.00)	-	(48,187.00)	(2,875,397.00)	1.6%	
40	SALARIES AND WAGES	400001	SALARIES & WAGES/Executive	638,840.00	638,840.00	45,721.34	45,721.34	91,442.68	547,397.32	14.3%	
40	SALARIES AND WAGES	400002	SALARIES & WAGES/Mgmt-Local 21	328,471.00	328,471.00	25,855.14	25,990.20	51,845.34	276,625.66	15.8%	
40	SALARIES AND WAGES	400003	SALARIES & WAGES/Local 1021	193,710.00	193,710.00	6,159.36	5,359.52	11,518.88	182,191.12	5.9%	
40	SALARIES AND WAGES	400006	SALARIES & WAGES/PT- Temp			2,437.82	5,474.22	7,912.04	(7,912.04)	100.0%	
40	SALARIES AND WAGES	400031	OVERTIME/General			525.26	184.56	709.82	(709.82)	100.0%	
40	SALARIES AND WAGES	400048	OTHER PAY/Bilingual Pay	7,457.00	7,457.00	508.27	497.16	1,005.43	6,451.57	13.5%	
40	SALARIES AND WAGES	400049	OTHER PAY/Auto Allowance	4,200.00	4,200.00	350.00	350.00	700.00	3,500.00	16.7%	
40	SALARIES AND WAGES	400050	OTHER PAY/Medical- in Lieu of	2,400.00	2,400.00	200.00	200.00	400.00	2,000.00	16.7%	
40	SALARIES AND WAGES	400079	COMP ABSENCES/WC-Prof-Mgt-Tec			810.30	675.24	1,485.54	(1,485.54)	100.0%	
			TOTAL SALARIES AND WAGES	1,175,078.00	1,175,078.00	82,567.49	84,452.24	-	167,019.73	1,008,058.27	14.2%
41	FRINGE BENEFITS	400103	P-ROLL BEN/Medicare Tax-ER Shr	15,560.00	15,560.00	1,212.88	1,228.09	2,440.97	13,119.03	15.7%	
41	FRINGE BENEFITS	400105	P-ROLL BEN/Health Insurance Be	196,647.00	196,647.00	12,634.32	12,634.32	25,268.64	171,378.36	12.8%	
41	FRINGE BENEFITS	400106	P-ROLL BEN/Dental Insurance	17,736.00	17,736.00	1,231.50	1,231.50	2,463.00	15,273.00	13.9%	
41	FRINGE BENEFITS	400109	P-ROLL BEN/Employee Assistance	528.00	528.00	36.40	36.40	72.80	455.20	13.8%	
41	FRINGE BENEFITS	400110	P-ROLL BEN/Professional Dev-Mg	6,750.00	6,750.00	823.99		823.99	5,926.01	12.2%	
41	FRINGE BENEFITS	400111	P-ROLL BEN/Vision	2,316.00	2,316.00	161.00	161.00	322.00	1,994.00	13.9%	
41	FRINGE BENEFITS	400112	P-ROLL BEN/Life Insurance	5,752.00	5,752.00	476.69	295.36	772.05	4,979.95	13.4%	
41	FRINGE BENEFITS	400114	P-ROLL BEN/Long Term Disabilit	12,342.00	12,342.00	759.77	766.30	1,526.07	10,815.93	12.4%	
41	FRINGE BENEFITS	400116	P-ROLL BEN/Unemployment Ins	5,472.00	5,472.00	456.00	494.00	950.00	4,522.00	17.4%	
41	FRINGE BENEFITS	400117	P-ROLL BEN/Personal/Prof Dev	2,250.00	2,250.00			-	2,250.00	0.0%	
41	FRINGE BENEFITS	400121	P-ROLL BEN/Worker Comp-Clerica	11,943.00	11,943.00	724.27	505.27	1,229.54	10,713.46	10.3%	
41	FRINGE BENEFITS	400122	P-ROLL BEN/Worker Comp-Prof	64,809.00	64,809.00	4,795.64	4,804.68	9,600.32	55,208.68	14.8%	
41	FRINGE BENEFITS	400124	P-ROLL BEN/CON-MEDICL EE Share	(12,000.00)	(12,000.00)			-	(12,000.00)	0.0%	
41	FRINGE BENEFITS	400127	P-ROLL BEN/OPEB	34,731.00	34,731.00	3,319.21	3,188.76	6,507.97	28,223.03	18.7%	
41	FRINGE BENEFITS	400130	P-ROLL BEN/PARS Benefits			17.60	39.36	56.96	(56.96)	100.0%	
41	FRINGE BENEFITS	400131	P-ROLL BEN/CON-OPEB-EE Share	(9,600.00)	(9,600.00)			-	(9,600.00)	0.0%	
41	FRINGE BENEFITS	400149	P-ROLL BEN/PERS-Misc	152,604.00	152,604.00	10,605.24	10,423.59	21,028.83	131,575.17	13.8%	
41	FRINGE BENEFITS	400151	P-ROLL BEN/PERS-Misc (UAL)	232,068.00	232,068.00	18,545.34	16,859.40	35,404.74	196,663.26	15.3%	
			TOTAL FRINGE BENEFITS	739,908.00	739,908.00	55,799.85	52,668.03	108,467.88	631,440.12	14.7%	
42	PROF & ADMIN SERVICES	400201	PROF SVCS/Professional Svcs	43,500.00	48,500.00			-	48,500.00	0.0%	
42	PROF & ADMIN SERVICES	400206	PROF SVCS/Legal Serv Cost	215,000.00	210,000.00		10,416.00	125,000.00	85,000.00	59.5%	
42	PROF & ADMIN SERVICES	400242	TRAVEL & TRNG/Mileage	1,000.00	1,000.00			-	1,000.00	0.0%	
42	PROF & ADMIN SERVICES	400243	TRAVEL & TRNG/Conf, Mtng Trng	2,000.00	2,000.00			-	2,000.00	0.0%	
42	PROF & ADMIN SERVICES	400261	DUES & PUB/Memberships & Dues	6,000.00	6,000.00			-	6,000.00	0.0%	
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		37.00	37.00	1,963.00	1.9%	
42	PROF & ADMIN SERVICES	400272	AD & PROMO/Community Events	2,500.00	2,500.00		213.84	213.84	2,286.16	8.6%	
			TOTAL PROF & ADMIN SERVICES	272,200.00	272,200.00	-	10,666.84	114,584.00	125,250.84	146,949.16	46.0%
43	OTHER OPERATING	400231	OFF EXP/Postage & Mailing	20,000.00	20,000.00	88.20	1,344.50	1,432.70	18,567.30	7.2%	
43	OTHER OPERATING	400232	OFF EXP/Printing & Binding				401.63	401.63	(401.63)	#DIV/0!	
43	OTHER OPERATING	400233	OFF EXP/Copying & Duplicating	5,000.00	5,000.00			-	5,000.00	0.0%	
43	OTHER OPERATING	400304	RENTAL EXP/Equipment Rental	5,000.00	5,000.00			-	5,000.00	0.0%	
43	OTHER OPERATING	400321	MISC EXP/Misc Contrib	3,000.00	3,000.00			-	3,000.00	0.0%	
43	OTHER OPERATING	400322	MISC EXP/Misc Exp	10,000.00	10,000.00		534.82	534.82	9,465.18	5.3%	
43	OTHER OPERATING	400341	OFF SUPP/Office Supplies	9,000.00	9,000.00			-	9,000.00	0.0%	
43	OTHER OPERATING	400344	OFF SUPP/Computer Supplies	6,350.00	6,350.00			-	6,350.00	0.0%	
			TOTAL OTHER OPERATING	58,350.00	58,350.00	88.20	2,280.95	-	2,369.15	55,980.85	4.1%
44	UTILITIES	400401	UTILITIES/Tel & Telegraph	1,200.00	1,200.00		46.35	46.35	1,153.65	3.9%	

Rent Program
FY2019-20 Monthly Revenue and Expenditure Report

ITEM F-4

CHARACTER	OBJECT	ORIGINAL BUDGET	REVISED BUDGET	Per 1	Per 2	ENCUMBRANCES	YTD TOTAL	AVAILABLE BUDGET	% USED	
				Jul-2019	Aug-2019					
	TOTAL UTILITIES	1,200.00	1,200.00	-	46.35	-	46.35	1,153.65	3.9%	
46	PROVISION FOR INS LOSS	400552	PROV FR INS LOSS/Ins Gen Liab	8,750.00	8,750.00		-	8,750.00	0.0%	
	TOTAL PROVISION FOR INS LOSS	8,750.00	8,750.00	-	-	-	-	8,750.00	0.0%	
47	COST POOL	400574	COST POOL/(ISF)-Gen Liability	91,261.00	91,261.00	7,606.00	7,605.00	15,211.00	76,050.00	16.7%
47	COST POOL	400586	COST POOL/(CAP)- Admin Charges	51,454.00	51,454.00	4,286.00	4,288.00	8,574.00	42,880.00	16.7%
47	COST POOL	400591	COST POOL/(IND)Civic Ctr Alloc	47,026.00	47,026.00	3,917.00	3,919.00	7,836.00	39,190.00	16.7%
	TOTAL COST POOL	189,741.00	189,741.00	15,809.00	15,812.00	-	31,621.00	158,120.00	16.7%	
	TOTAL EXPENDITURES	2,445,227.00	2,445,227.00	154,264.54	165,926.41	114,584.00	434,774.95	2,010,452.05	17.8%	
	NET OPERATING (SURPLUS)/DEFICIT	(478,357.00)	(478,357.00)	106,077.54	165,926.41	114,584.00	386,587.95			

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 18, 2019

Final Decision Date Deadline: September 18, 2019

STATEMENT OF THE ISSUE: Staff members recognized a substantive error in the minutes from the December 19, 2018, Regular Meeting of the Rent Board, for which formal Rent Board approval is required to correct.

INDICATE APPROPRIATE BODY

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

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|---|--|--|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) | | |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> 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 a correction to the minutes of the December 19, 2018, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-5.

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RICHMOND, CALIFORNIA, December 19, 2018

The Regular Meeting of the Richmond Rent Board was called to order at 5:00 P.M.

PLEDGE TO THE FLAG

ROLL CALL

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

Absent: None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

None.

DEPARTMENT UNIT PRESENTATIONS – BILLING AND REGISTRATION UNIT

Executive Director Nicolas Traylor presented on the duties of the Rent Program Billing and Registration Unit.

AFFORDABLE HOUSING UPDATE

Executive Director Nicolas Traylor gave updates on the progress of the Rent Board Ad Hoc Committee and the follow-up meeting with Heritage Park Management, Rent Program Staff Members, City Staff Members and Vice Mayor Willis regarding the power outage incident in October 2018.

PUBLIC FORUM

Cordell Hindler invited the Rent Board to attend community events that will be held during the months of December and January. He reported that he has reached out to Richmond Heights Council on their interest in learning about Rent Control, as well as other neighborhood councils and that he is awaiting a response.

RENT BOARD CONSENT CALENDAR

On motion of Boardmember Combs, seconded by Chair Gray, the item(s) marked with an (*) were approved by the unanimous vote of the Rent Board:

*H-1. Approve the minutes of the November 14, 2018, Special Meeting of the Richmond Rent Board.

*H-2. The matter to receive letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100.

*H-3. Receive the November 2018 Rent Program Monthly Report.

STUDY AND ACTION SESSION

I-1. The matter to (1) discuss City of Richmond adopted and proposed housing-related ordinances; (2) direct Rent Program staff to meet with City staff for the sole purpose of ascertaining the requested services from the Rent Program; and (3) report back to the Rent Board in January with an update was presented by Chair Gray, Community Economic and Development Director Shasa Curl, Acting Director of the Richmond Housing Authority Gabino Arredondo and Executive Director of Richmond Neighborhood Housing Services Nikki Beasley. The presentation included a discussion of collaborating with the Rent Program in implementing the adopted Fair Chance Ordinance, proposed Source of Income Ordinance and the proposed Tenant Screening Ordinance. Discussion ensued. The following individual gave comments: Nicole Montojo. A motion by Chair Gray, seconded by Boardmember Combs, to direct staff to continue to engage with city staff to further discuss City of Richmond adopted and proposed housing-related ordinances, for the sole purpose of ascertaining the requested services from the Rent Program and report back with an update the Rent Board in January, passed by the following vote: **Ayes:** Boardmembers Combs, Finlay, Maddock, Vice Chair Gerould and Chair Gray. **Noes:** None. **Abstentions:** None. **Absent:** None.

I-2. The matter to receive Tenant Buyout Agreement Policy Options and direct staff to (1) present the Rent Board's selected policy option during a study session at a meeting of the City of Richmond City Council and (2) work with City staff to develop a Buyout Agreement Ordinance was presented by Rent Program

Services Analyst Magaly Chavez. The presentation included a statement of the issue, background information, purpose of Buyout Agreement policies, research, findings, components of the proposed policy options, a proposed timeline, next steps and the recommended action. Discussion ensued. A motion by Chair Gray, seconded by Vice Chair Gerould, to receive Tenant Buyout Agreement Policy Options and direct staff to (1) present the Rent Board's selected policy option during a study session at a meeting of the City of Richmond City Council and (2) work with City staff to develop a Buyout Agreement Ordinance with the following recommendations: include the 4 components that staff recommended to be incorporated into any policy: (a) the Buyout Agreement must be written in the Tenants primary language, (b) the Buyout Agreement policy will cover all properties under Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100, (c) the Buyout Agreement must contain anti-harassment language, (d) the Tenant has a right to rescind the Buyout Agreement at any time without penalty if the Buyout Agreement does not comply with the requirements of the Regulation; and to include (1) a requirement for the Landlord to give notice of the Buyout Agreement Rights to the Tenant, (2) a requirement for the Landlord to submit a copy of the Notice of Buyout Rights to the Rent Program prior to engaging in Buyout Agreement negotiations, (3) a provision that the Tenant has 45 calendar days to rescind once the Buyout Agreement is executed, (4) establish a minimum payout for the Buyout Agreement and that the minimum payments are tied to the Permanent Relocations payments due to Termination of Tenancy for Withdrawal From The Rental Market, as a qualified Tenant household and that the minimum payments are equal to the number of bedrooms as listed on the Relocation Fee Payment Table over time; 5) the Landlord is required to submit the Buyout Agreement to Rent Program within 20 calendar days; in terms of administrating and enforcement duties, the Rent Program will maintain a copy of all Buyout Agreements and Notice of Buyout Rights, staff will contact the Tenant identified on the submitted copy of the Notice of Buyout rights, the Rent Program will maintain a database that ~~may will~~ be available to the public indicating data on compensation amounts and the neighborhood of the Buyout Agreements that's consistent with State Law; Rent Program staff will contact the Tenant and Landlord identified on the Buyout Agreement if the agreement does not comply with the Ordinance, and that there should be penalties for violating the Buyout Policy, with respect to the Tenant does have the private right of action to bring civil action against the Landlord for actual and statutory damages, not to exceed \$1000 per violation, passed by the following vote: **Ayes:**

Boardmembers Combs, Finlay, Maddock, Vice Chair Gerould and Chair Gray. **Noes:** None. **Abstentions:** None. **Absent:** None.

REPORTS OF OFFICERS

Executive Director Nicolas Traylor informed the Board of the City Offices Holiday closure from December 24, 2018 to January 1, 2019, reopening on January 2, 2019. He also wished everyone a happy holiday.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:53 P.M.

Paige Roosa and Bailey Maher
Staff Clerks

(SEAL)

Approved:

David Gray, Chair

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 18, 2019

Final Decision Date Deadline: September 18, 2019

STATEMENT OF THE ISSUE: On July 17, 2019, the Rent Board directed staff members to explore whether Regulation 842(B), which permits stays of the Hearing Examiner's decision pending appeal, conflicts with the Fair Rent, Just Cause, and Homeowner Protection Ordinance (hereinafter, "Rent Ordinance"), which states that a Hearing Examiner's decision shall not be stayed pending appeal. Richmond Municipal Code Section 11.100.070(d)(11) After researching the issue, staff members are proposing a potential conflict may exist. To remedy this potential conflict, staff members are proposing rescinding Regulation 842(B) and replacing it with Regulation 842.5. Regulation 842.5 would clarify that a Hearing Examiner's decision is effective on the date it is rendered; however the decision is not enforceable until it becomes the final decision of the Rent Board. Additionally, Regulation 842.5 would clarify when it is appropriate for Landlords to recoup rents that have accumulated during the pendency of an appeal. Finally, Regulation 842.5 would clarify that a Hearing Examiner may permit a Tenant who is owed excess rent to offset their monthly rents until the excess rent liability is satisfied, and a Landlord may not raise the rent during the period of which the excess rent is owed.

INDICATE APPROPRIATE BODY

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

ITEM

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

RECOMMENDED ACTION: RESCIND Regulation 842(B) and ADOPT Regulation 842.5 to clarify (1) when a Hearing Examiner's decision becomes effective and enforceable; (2) when a Landlord may recoup rents which accumulated during the pendency of an appeal; (3) when a Tenant may use excess rent to offset the monthly rent owed; (4) the impact that a finding of an excess rent liability has on a Landlords compliance with the Rent Ordinance; and (5) that a Tenant may not waive their rights granted under the Rent Ordinance as such a waiver would violate public policy – Rent Program (Nicolas Traylor/Charles Oshinuga 620-6564).

AGENDA ITEM NO:
G-1.

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AGENDA REPORT

DATE: September 18, 2019

TO: Chair Maddock and Members of the Rent Board

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

SUBJECT: RESCISSION OF REGULATION 842(B) AND PROPOSED ADOPTION OF REGULATION 842.5 CONCERNING THE ENFORCEMENT OF FINAL RENT BOARD DECISIONS

STATEMENT OF THE ISSUE:

On July 17, 2019, the Rent Board directed staff members to explore whether Regulation 842(B), which permits stays of the Hearing Examiner's decision pending appeal, conflicts with the Fair Rent, Just Cause, and Homeowner Protection Ordinance (hereinafter, "Rent Ordinance"), which states that a Hearing Examiner's decision shall not be stayed pending appeal. *Richmond Municipal Code Section 11.100.070(d)(11)* After researching the issue, staff members are proposing a potential conflict may exist. To remedy this potential conflict, staff members are proposing rescinding Regulation 842(B) and replacing it with Regulation 842.5. Regulation 842.5 would clarify that a Hearing Examiner's decision is effective on the date it is rendered; however the decision is not enforceable until it becomes the final decision of the Rent Board. Additionally, Regulation 842.5 would clarify when it is appropriate for Landlords to recoup rents that have accumulated during the pendency of an appeal. Finally, Regulation 842.5 would clarify that a Hearing Examiner may permit a Tenant who is owed excess rent to offset their monthly rents until the excess rent liability is satisfied, and a Landlord may not raise the rent during the period of which the excess rent is owed.

RECOMMENDED ACTION:

RESCIND Regulation 842(B) and ADOPT Regulation 842.5 to clarify (1) when a Hearing Examiner's decision becomes effective and enforceable; (2) when a Landlord may recoup rents which accumulated during the pendency of an appeal; (3) when a Tenant may use excess rent to offset the monthly rent owed; (4) the impact that a finding of an excess rent liability has on a Landlords compliance with the Rent Ordinance; and (5) that a Tenant may not waive their rights granted under the Rent Ordinance as such a waiver would violate public policy – Rent Program (Nicolas Traylor/Charles Oshinuga 620-6564).

FISCAL IMPACT:

There is no fiscal impact related to this item.

DISCUSSION:

Background

At its Regular Meeting on July 17, 2019, the Rent Board directed staff members to explore whether Regulation 842(B), which permits stays of the Hearing Examiner's decision pending appeal, conflicts with the Fair Rent, Just Cause, and Homeowner Protection Ordinance (hereinafter, "Rent Ordinance"), which states that a Hearing Examiner's decision shall not be stayed pending appeal. *Richmond Municipal Code Section 11.100.070(d)(11)* After researching the issue, staff members found that current state law prohibits both a Hearing Examiner's decision and the Rent Board's decisions from being immediately enforceable. Some rent control jurisdictions have satisfied this state law requirement by adopting regulations that state a Hearing Examiner's decision shall be stayed pending appeal. Richmond Rent Board Regulation 842(B), attempts to follow suit with other jurisdictions to ensure compliance with state law; however, in its attempt to comply with state law, the requirement in Regulation 842(B) that stays a Hearing Examiner's decision appears to be at odds with the direct language of Richmond Municipal Code Section 11.100.070(d)(11), which prohibits the staying of the Hearing Examiner's decision. To remedy the potential for conflict with the Rent Ordinance and to maintain compliance with current law, staff members are proposing the rescission of Regulation 842(B) and adopting Regulation 842.5, which would clarify when the Hearing Examiner's and Rent Board decisions become effective and enforceable.

Additionally, in the course of its research, staff members found a pressing public need to clarify (1) when a Landlord is able to recoup accumulated Rents during the pendency of an appeal; (2) when a Tenant is permitted to offset Excess Rent overpayments against monthly rents; (3) the impact that a finding of an excess rent liability has on a Landlord's compliance with the Rent Ordinance; and (4) that a Tenant may not waive their rights granted under the Rent Ordinance as such a waiver would violate public policy.

Proposed Regulation 842.5 Clarification of When a Hearing Examiner's or Rent Board's Decision is Effective and Enforceable

Richmond Municipal Code Section 11.100.070(d)(11), in pertinent part, states, "the decision of the hearing examiner shall be the final decision of the Board in the event of no appeal to the Board. The decision of the hearing examiner shall not be stayed pending appeal..." At first blush, it would appear that this provision potentially conflicts with the state law prohibition on Hearing Examiner's decisions being enforceable immediately. To avoid any potential conflict with state law, on January 24, 2018, the Rent Board adopted Regulation 842(B), which states, in pertinent part, that "the hearing

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examiner's decision shall be stayed pending appeal." Although alleviating any conflict the Rent Ordinance may have with existing state law, Regulation 842(B) created a potential conflict with the Rent Ordinance. Rescinding Regulation 842(B) would alleviate the potential conflict between the Regulation and the Rent Ordinance, but would reopen the potential conflict between the Rent Ordinance and state law. To address this issue, staff members re-examined the direct language of the Rent Ordinance.

As stated above, Richmond Municipal Code Section 11.100.070(d)(11), in pertinent part, states, "the decision of the hearing examiner shall be the final decision of the Board in the event of no appeal to the Board. The decision of the hearing examiner shall not be stayed pending appeal..." The prohibition on staying a Hearing Examiner's decision may seem like a requirement that the hearing examiner decision be enforceable immediately, but a closer read of the pertinent provision suggests otherwise. Although Richmond Municipal Code Section 11.100.070(d)(11), stands for the proposition that a Hearing Examiner's decision cannot be stayed during an appeal, it does not dictate when a Hearing Examiner's decision is final and enforceable.

As a matter of law, only final decisions are enforceable. Richmond Municipal Code Section 11.100.070(d)(11) explains that when the Hearing Examiner's decision is not appealed, the decision becomes the final decision of the Rent Board. As a final decision and by operation of law, it then becomes enforceable. The Rent Ordinance does not dictate when an appeal must be filed but leaves that gap to be filled by the Rent Board. On January 24, 2018, the Rent Board sought to fill that gap by adopting Regulation 842(A), which mandates that an appeal must be received by the Rent Program within 35 days from the date that the notice of the Hearing Examiner's decision is mailed to the party. If the parties fail to file an appeal within the requisite time period, the decision of the Hearing Examiner becomes the final decision of the Rent Board and by operation of law, is enforceable. This begs the question, what is the impact of the Hearing Examiner's decision during those 35 days?

As previously stated, if the decision is not final, it is not enforceable. In other words, during the 35-day appeal period, the Hearing Examiner's decision is not final and thereby, not enforceable; however, the Hearing Examiner's decision is effective from the date of the decision, meaning that the legal rights and obligations found under the Hearing Examiner's decision accrues during the pendency of finality. To illustrate this principle, consider a situation where a Tenant, on August 15, receives a favorable decision adjusting the Maximum Allowable Rent (hereinafter, "MAR") downward from \$1,000 to \$500 and is awarded excess rent in the amount of \$500. On September 1st, the Tenant will still pay the \$1,000/month rent (unless the Landlord chooses otherwise), as the Hearing Examiner's decision is not final and thus not enforceable. On September 19th, having received no appeal, the Hearing Examiner's decision becomes final and enforceable. On October 1st, the Tenant will now pay \$500 dollars in Rent, and is owed \$1000 dollars in excess rent rather than \$500 dollars due to the principle of accrual.

Accrual attaches on the date that the decision becomes effective, whereas enforceability attaches on the date that the decision becomes final.¹

In the event of an appeal, a Hearing Examiner's decision is not final and thus not enforceable. Consequently, the rights and obligations under decision continue to accrue but cannot be enforced until and unless it becomes the final decision of the Rent Board. In the event the Rent Board affirms or modifies the decision on appeal, the decision becomes the final decision of the Rent Board and is enforced from the effective date of the decision. If the decision is reversed, the decision is void and supplanted by the Rent Board's articulated decision.

To add another layer to the discussion, Richmond Municipal Code Section 11.100.090, explains that Rent Board decisions on appeal cannot be enforceable for 30 days to allow for the parties to seek a writ at the Superior Court. In other words, although the Rent Board decision on appeal is final and enforceable, its enforceability is stayed for thirty days to allow for a party to sue at the Superior Court.

Placed into context of the presented issue, the prohibition on staying a Hearing Examiner's decision contained in Richmond Municipal Code Section 11.100.070(d)(11), does not clearly conflict with existing state law, so long as the Rent Board adopts a series of Regulations clarifying that neither the Hearing Examiner's nor the Rent Board's decision are immediately enforceable; however, both decisions are effective for purposes of accrual. Rent Board Regulation 842.5 establishes the aforementioned principle to mend any potential conflict Richmond Municipal Code Section 11.100.070(d)(11), may have with state law, while simultaneously alleviating any potential conflict Regulation 842(B) may have had with Richmond Municipal Code Section 11.100.070(d)(11).

Proposed Regulation 842.5 Clarifies When it is Appropriate to Offset Owed Excess Rent Against Monthly Rent, When a Landlord May Recoup Rents that accrued During an Appeal Period, and the Impact that a Finding of Excess Rent Liability has on Landlords' Compliance with the Rent Ordinance

As stated above, during the course of their research, staff members ascertained a public need to clarify (1) when a Landlord is able to recoup accumulated Rents during the pendency of an appeal; (2) when a Tenant is permitted to offset Excess Rent overpayments against monthly rents; (3) the impact that a finding of an excess rent liability has on a Landlords compliance with the Rent Ordinance; and (4) that a Tenant may not waive their rights granted under the Rent Ordinance as such a waiver would violate public policy. Proposed Regulation 842.5 clarifies that Landlords are able to recoup the rents that accrue during the pendency of an appeal, only where the Landlord

¹ The principle of finality or enforceability and the phrase "take effect" are used synonymously and are not to be confused with the word "effective". When something "takes effect" it is enforceable, but the enforceability is measured from the effective date of the decision. For an example, please see Richmond Municipal Code Section 11.100.070(j)

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is legally entitled to those Rents through a properly-noticed Rent increase, which covered the dates of the accrued Rents being sought. Tangentially, Regulation 842.5 explains that a Tenant may recoup Excess Rent by offsetting the monthly Rent owed by the Excess Rent owed, only as described in a final Rent Board decision. Additionally, where a Landlord is found to be liable for Excess Rent, the Landlord is considered to be out of compliance with the Rent Ordinance and may not take a Rent increase. Finally, Regulation 842.5 reiterates that Tenants cannot waive rights granted through the Rent Ordinance, which includes rights affirmed through final decisions of the Rent Board.

Conclusion

Staff members recommend the Rent Board rescind Regulation 842(B) and adopt Regulation 842.5.

DOCUMENTS ATTACHED:

Attachment 1 – Regulation 842 of the Rent Board Regulations (Redline Version)

Attachment 2 – Regulation 842 of the Rent Board Regulations (Clean Version)

Attachment 3 – Regulation 842.5 of the Rent Board Regulations (Clean Version)

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ITEM G-1 ATTACHMENT 1

842. Appeal Process

- A. Any appeal shall be filed on a form provided by the Board no later than thirty (30) calendar days after receipt of the notice of the hearing examiner's decision. A party is presumed to receive the decision five (5) business days after it is mailed. The appeal must contain a statement of the specific grounds on which the appeal is based. The Board will not consider an appeal that fails to state any facts or arguments in support of the grounds alleged in the appeal. Except as provided in Section 842(E), no other documents in support of the appeal will be accepted after the appeal deadline unless specifically requested by the Board. The appeal shall be sent to the Board and opposing parties and their representative. Additionally, appellants shall send a copy of the appeal to the hearing examiner whose decision is being appealed. The Board or staff may order that appeals relating to the same building or property, or different properties of the same Landlord, be consolidated. The opposing party shall file any response to the appeal within fifteen (15) calendar days from the date the appeal is filed.
- B. ~~The hearing examiner's decision shall be stayed pending appeal. In its decision, the Board shall order the appropriate party to make retroactive payments over a reasonably appropriate period to restore the parties to the positions they would have occupied had the hearing examiner's decision been the same as that of the Board or had not been stayed.~~
- C. At least fourteen (14) calendar days prior to the date set for Board action on the appeal, a Board Staff report shall be prepared recommending that the decision of the hearing examiner be affirmed, modified, reversed or remanded to the hearing examiner for further hearing. Board Staff may supplement the record by including matters of which the Board may take official notice, provided that the parties are notified of such matters at least fourteen (14) days prior to the date set for Board action. Any objection to a staff request for official notice of such matters shall be filed no later than seven (7) calendar days prior to the date set for Board action.
- D. At least fourteen (14) calendar days prior to the date set for Board action, all parties shall be notified by mail of the date, time and place set for Board action on the appeal. Copies of the Board Staff recommendation shall be mailed to all parties and their representatives at least 14 days prior to the Board action. Copies of the official record and the staff recommendation shall be available for public review at the Board office at least fourteen (14) days prior to the date set for Board action. Parties may submit written comments to the Board up to seven (7) days prior to the Board action.
- E. At the Board meeting at which action on the appeal is scheduled, each party or the party's representative will be allowed seven (7) minutes to address the Board at the beginning of the hearing in the following order: appellant for five (5) minutes, respondent for seven (7) minutes, appellant for two (2) minutes. For any party addressing the Board who requires translation the allowable times shall be doubled. The Board has the discretion to allow more time.

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- F. Unless the Board determines that a de novo hearing is required, the Board's decision will be based exclusively on the record before the hearing examiner. Parties shall be instructed not to discuss or comment upon factual matters or evidence that were not presented to the hearing examiner or officially noticed. Parties may discuss or comment upon the legal matters in question and any other pertinent issues raised by the appeal. The Board shall disregard any discussion or comment regarding factual matters that were not in the record before the hearing examiner or officially noticed. The vote of three (3) Board members is required to affirm, modify, remand or reverse the decision of the hearing examiner.
- G. The Board's decision to affirm, modify, remand or reverse the decision of the hearing examiner shall be supported by written findings of fact and conclusions of law. When the Board votes to adopt the staff recommendation unchanged, the parties to the appeal will be notified only of the Board's decision. When the Board does not adopt the staff recommendation as written, a written decision of the Board shall be mailed to the parties or their representative of record.
- H. Continuances of dates set for Board action on appeals shall be granted by a majority of the Board or by the Executive Director only for good cause shown. A written request and the reasons for it must be received by the Board at least two (2) business days prior to the scheduled hearing, unless good cause is shown for later request. The written request must contain the reasons for the continuance, an explanation of what efforts were made to ascertain the position of the other parties regarding the request for a continuance, and mutually acceptable alternative dates. Copies of this written request must be sent immediately to all other parties and proof of service must accompany the written request filed with the Board.
- I. Reconsideration.
- 1) At the discretion of the Executive Director or their designee, an appeal may be treated as a request for reconsideration and referred back to the Hearing Examiner for such reconsideration only if it is claimed by the appellant that:
 - a) There was good cause for a failure to respond to a petition; or
 - b) There was good cause for a failure to appear at a settlement conference or hearing; or
 - c) The appellant wishes to present relevant evidence that could not, with reasonable diligence, have been discovered and produced at the hearing.
 - d) The decision resulted from a clearly inaccurate application of the law; staff members discovered a problem with the record; the underlying legal standard upon which the decision is based changed before final disposition of the case, including matters subject to a pending petition for writ of administrative mandamus; or any other reason the case should be remanded for reconsideration for administrative efficiency.
 - 2) In the event that the Executive Director or their Designee finds good cause exists to treat the appeal as a request for reconsideration, the Executive Director or their Designee shall, within 15 days from the day to file an appeal has expired, issue an Order of Reconsideration, which shall describe the basis of granting reconsideration, the scope of issues to be reconsidered by

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the Hearing Examiner, and modified procedures, if any, of the hearing process to expedite the matter for a hearing on reconsidered issues. The Rent Program shall send the Order of Reconsideration to all parties and, schedule a hearing consistent with the Order of Reconsideration within 60 days from the day the Order of Reconsideration was issued.

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842. Appeal Process

- A. Any appeal shall be filed on a form provided by the Board no later than thirty (30) calendar days after receipt of the notice of the hearing examiner's decision. A party is presumed to receive the decision five (5) business days after it is mailed. The appeal must contain a statement of the specific grounds on which the appeal is based. The Board will not consider an appeal that fails to state any facts or arguments in support of the grounds alleged in the appeal. Except as provided in Section 842(E), no other documents in support of the appeal will be accepted after the appeal deadline unless specifically requested by the Board. The appeal shall be sent to the Board and opposing parties and their representative. Additionally, appellants shall send a copy of the appeal to the hearing examiner whose decision is being appealed. The Board or staff may order that appeals relating to the same building or property, or different properties of the same Landlord, be consolidated. The opposing party shall file any response to the appeal within fifteen (15) calendar days from the date the appeal is filed.
- B. At least fourteen (14) calendar days prior to the date set for Board action on the appeal, a Board Staff report shall be prepared recommending that the decision of the hearing examiner be affirmed, modified, reversed or remanded to the hearing examiner for further hearing. Board Staff may supplement the record by including matters of which the Board may take official notice, provided that the parties are notified of such matters at least fourteen (14) days prior to the date set for Board action. Any objection to a staff request for official notice of such matters shall be filed no later than seven (7) calendar days prior to the date set for Board action.
- C. At least fourteen (14) calendar days prior to the date set for Board action, all parties shall be notified by mail of the date, time and place set for Board action on the appeal. Copies of the Board Staff recommendation shall be mailed to all parties and their representatives at least 14 days prior to the Board action. Copies of the official record and the staff recommendation shall be available for public review at the Board office at least fourteen (14) days prior to the date set for Board action. Parties may submit written comments to the Board up to seven (7) days prior to the Board action.
- D. At the Board meeting at which action on the appeal is scheduled, each party or the party's representative will be allowed seven (7) minutes to address the Board at the beginning of the hearing in the following order: appellant for five (5) minutes, respondent for seven (7) minutes, appellant for two (2) minutes. For any party addressing the Board who requires translation the allowable times shall be doubled. The Board has the discretion to allow more time.
- E. Unless the Board determines that a de novo hearing is required, the Board's decision will be based exclusively on the record before the hearing examiner. Parties shall be instructed not to discuss or comment upon factual matters or evidence that were not presented to the hearing examiner or officially noticed. Parties may discuss or comment upon the legal matters in question and any other pertinent issues raised by the appeal. The Board shall disregard any discussion or comment regarding factual matters that were not

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in the record before the hearing examiner or officially noticed. The vote of three (3) Board members is required to affirm, modify, remand or reverse the decision of the hearing examiner.

- F. The Board's decision to affirm, modify, remand or reverse the decision of the hearing examiner shall be supported by written findings of fact and conclusions of law. When the Board votes to adopt the staff recommendation unchanged, the parties to the appeal will be notified only of the Board's decision. When the Board does not adopt the staff recommendation as written, a written decision of the Board shall be mailed to the parties or their representative of record.
- G. Continuances of dates set for Board action on appeals shall be granted by a majority of the Board or by the Executive Director only for good cause shown. A written request and the reasons for it must be received by the Board at least two (2) business days prior to the scheduled hearing, unless good cause is shown for later request. The written request must contain the reasons for the continuance, an explanation of what efforts were made to ascertain the position of the other parties regarding the request for a continuance, and mutually acceptable alternative dates. Copies of this written request must be sent immediately to all other parties and proof of service must accompany the written request filed with the Board.

I. Reconsideration.

- 1) At the discretion of the Executive Director or their designee, an appeal may be treated as a request for reconsideration and referred back to the Hearing Examiner for such reconsideration only if it is claimed by the appellant that:
 - a) There was good cause for a failure to respond to a petition; or
 - b) There was good cause for a failure to appear at a settlement conference or hearing; or
 - c) The appellant wishes to present relevant evidence that could not, with reasonable diligence, have been discovered and produced at the hearing.
 - d) The decision resulted from a clearly inaccurate application of the law; staff members discovered a problem with the record; the underlying legal standard upon which the decision is based changed before final disposition of the case, including matters subject to a pending petition for writ of administrative mandamus; or any other reason the case should be remanded for reconsideration for administrative efficiency.
- 2) In the event that the Executive Director or their Designee finds good cause exists to treat the appeal as a request for reconsideration, the Executive Director or their Designee shall, within 15 days from the day to file an appeal has expired, issue an Order of Reconsideration, which shall describe the basis of granting reconsideration, the scope of issues to be reconsidered by the Hearing Examiner, and modified procedures, if any, of the hearing process to expedite the matter for a hearing on reconsidered issues. The Rent Program shall send the Order of Reconsideration to all parties and, schedule a hearing consistent with the Order of Reconsideration within 60 days from the day the Order of Reconsideration was issued.

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842.5 Enforcement of Rent Board Decision

- A. Enforcement of Final Decision of the Rent Board: Only final decisions of the Rent Board are enforceable. The final decision of the Rent Board shall be enforced from the effective date of the decision.
- B. Effective Date of Hearing Examiner's Decision: The decision of the hearing examiner shall be the final decision of the Rent Board if the parties to the petition fail to file a timely appeal to the Rent Board. An appeal shall be considered timely if filed consistent with Regulation 842(A). The hearing examiner's decision shall be effective from the date of the decision. However, a hearing examiner's decision is not enforceable unless the decision becomes the final decision of the Rent Board.
- C. Rent Board's Decision on Appeal: Rent Board decisions on appeal shall be the final decision of the Rent Board on the day the Rent Program issues the parties notice of the Rent Board decision. Although final, the Rent Board decision shall be stayed for 30 days from the date the Rent Board decision became final.
- D. Recouping Excess Rent: Upon a determination that a Landlord or Landlords are liable to a petitioner for any amount of excess Rent, the hearing examiner or Rent Board shall specify in their decision that the petitioner is entitled to offset payment of any Rent which would otherwise be due and payable following the date of the Rent Board's final decision, as a means of recouping the amount to which petitioner is entitled, until the amount of offset Rent, using the current lawful Rent as a measure, is equal to the amount of liability imposed by the decision. Recoupment by the Tenant and compliance with the decision of the final decision of the Rent Board shall be presumed to occur in the normal course of events. A Landlord may discharge the liability imposed by the final decision of the Rent Board by not objecting to recoupment for the necessary period of time or paying to the petitioner the entire amount or remaining amount.
- E. Landlord recoupment of Rent Increases During Pendency of Appeal: Consistent with Civil Code Section 827, a Landlord is not entitled to a Rent increase unless properly noticed. To be entitled to a Rent Board's final decision of a grant of an individual upward adjustment in the Maximum Allowable Rent, a Landlord must first serve a valid Rent increase notice consistent with Civil Code Section 827. Where a hearing examiner grants an individual upward adjustment in the Maximum Allowable Rent and the decision is appealed, in the event that the Rent Board affirms the amount of an individual upward adjustment in the Maximum Allowable Rent, a Landlord may recoup Rents that accumulated during the pendency of an appeal only if the Landlord served a proper notice of Rent increase consistent with Civil Code Section 827 and the Rent increase notice's effective date covered the period in which the Rent is sought to be recouped.

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- F. Rent Increases During Excess Rent Recoupment Period: A Landlord found liable under a Rent Board's final decision shall not be deemed in compliance with the Richmond Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance with respect to the subject unit until the entire amount of liability is discharged. Until that time, the Landlord, including any successor in interest shall be prohibited from implementing any increases in the Rent which could otherwise be implemented as to the subject unit.

- G. Waiver of Rights and/or Obligation Granted Pursuant to a Rent Board Decision: Any post-decision agreement between the petitioner and the Landlord reducing the amount of liability already decided may be deemed void as contrary to public policy and shall not prevent the Rent Board from enforcing the decision as to the entire amount.

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 18, 2019

Final Decision Date Deadline: September 18, 2019

STATEMENT OF THE ISSUE: On June 4, 2019, the Richmond City Council adopted a contract with Tyler Technologies and its subsidiary, Socrata Inc., to expand the City of Richmond's existing Open Data services and include performance management tools. These tools will be used to report on performance measures approved by the City Council on March 26, 2019. A number of the City Council's approved Fiscal Year 2019-20 strategic priorities and performance measures correspond to activities conducted by the Rent Program. As such, staff is requesting approval from the Rent Board to contribute Rent Program staff resources to the City's Open Data dashboard.

INDICATE APPROPRIATE BODY

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

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|---|--|---------------------------------|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) | | |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Regulation | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Contract/Agreement | <input checked="" 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 participation of Rent Program staff members in the City of Richmond's Open Data dashboard to assist with reporting on City Council approved performance measures and strategic priorities – Rent Program (Paige Roosa 620-6564).

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

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AGENDA REPORT

DATE: September 18, 2019
TO: Chair Maddock and Members of the Rent Board
FROM: Paige Roosa, Deputy Director
SUBJECT: PARTICIPATION IN CITY OF RICHMOND OPEN DATA DASHBOARD

STATEMENT OF THE ISSUE:

On June 4, 2019, the Richmond City Council adopted a contract with Tyler Technologies and its subsidiary, Socrata Inc., to expand the City of Richmond's existing Open Data services and include performance management tools. These tools will be used to report on performance measures approved by the City Council on March 26, 2019. A number of the City Council's approved Fiscal Year 2019-20 strategic priorities and performance measures correspond to activities conducted by the Rent Program. As such, staff is requesting approval from the Rent Board to contribute Rent Program staff resources to the City's Open Data dashboard.

RECOMMENDED ACTION:

APPROVE the participation of Rent Program staff members in the City of Richmond's Open Data dashboard to assist with reporting on City Council approved performance measures and strategic priorities – Rent Program (Paige Roosa 620-6564).

FISCAL IMPACT:

The precise fiscal impact of Rent Program staff members' participation in the Open Data dashboard is unknown at this time, but is expected to be minimal. A majority of the data necessary for reporting on performance measures is already collected as part of the Rent Program's monthly and annual reports to the Rent Board.

DISCUSSION:

Background

On February 9, 2019, the Richmond City Council held a public retreat to, among other tasks, identify City Council priority policies for Fiscal Year 2019-20 and develop performance measures to track the progress of implementing priorities (Attachment 1).

Included in the City Council’s 44 adopted priorities are the mitigation of displacement, as well as addressing homelessness and affordable housing in the City (Attachment 2). Performance measures specific to Rent Program activities are described in the table below.

Performance Measures Approved by the City Council Relevant to the Rent Program
(Strategic Priority 4D: Affordable Housing, Mitigation of Displacement, Inclusionary Housing, Fair Chance Access to Affordable Housing)

Description	Performance Measure /Indicator	Target (with respect to performance measure)	Goal/Objective
Landlord and Tenant Counseling on the requirements of the Rent Ordinance	1) Number of counseling sessions conducted 2) Number of referrals to legal services agencies 3) Number of community members assisted in a language other than English 4) Launch Formal Mediation Program	1) Exceed previous year by 10% 2) Exceed previous year by 10% 3) Exceed previous year by 10% 4) December 2019	Provide culturally competent counseling services to Landlords, Tenants, property managers, and other members of the rental housing community
Community engagement and outreach on the requirements of the Rent Ordinance	1) Participation at monthly Community Workshops 2) Number of individuals subscribed to Rent Program listserv 3) Provide tailored presentations to Neighborhood Councils, Realtors, Associations, and other community groups 4) Publish the Guide to Rent Control in Richmond 5) Publish informational videos about the Rent Ordinance	1) Maintain participation achieved in FY 2018-19 2) Exceed previous year by 10% 3) Exceed previous year by 10% 4) September 2019 5) September 2019	Conduct outreach and education to Landlords, Tenants, and other community members

Request for Participation in the City's Open Data Dashboard

Since 2015, the City of Richmond has utilized an open data platform to report on City initiatives in various departments. Residents can access the City's dashboard at www.opendata.ci.richmond.ca.us. It currently includes three subject areas: Police Department data, Climate Action Plan progress tracking, and Financial Transparency.

Upon request by the City Manager, City staff in several departments have evaluated Socrata, Inc.'s Connected Government Cloud (SCGC) program to expand open data capabilities across all City departments. SCGC is an ecosystem of Socrata tools and functionality with unlimited instances to grow and utilize. SCGC will enable City leaders, program managers, analysts, and workers to use and share data effectively to design successful programs and deliver better outcomes and context to the community.

As articulated in Section 11.100.060(m) of the Rent Ordinance, The Rent Board, and, by extension, the Rent Program, operate as an integral part of the government of the City, but exercises its powers and duties independent from the City Council, City Manager, and City Attorney except by request of the Board. Therefore, staff members find it appropriate that the Board consider formal approval of Rent Program staff resources to contribute to the City's Open Data dashboard.

As an integral part of the City of Richmond government, the Rent Program can benefit from its participation in City initiatives, when such initiative falls within the purview of the Rent Ordinance, to maximize the services provided to Richmond residents, including governmental transparency and data reporting.

Proposed Next Steps

If the Rent Program's participation in the City's Open Data dashboard is approved by the Rent Board, Deputy Director Paige Roosa will attend a series of workshops (each with a duration of approximately 60-90 minutes) during the month of September to obtain training in data entry and display on the City's Open Data portal.

DOCUMENTS ATTACHED:

Attachment 1 – March 26, 2019, City Council Agenda Report regarding the City Council Retreat and Strategic Planning Session Report

Attachment 2 – Draft FY 2019-2020 Performance Measurements for Richmond City Council Strategic Priorities

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CITY MANAGER'S OFFICE

AGENDA REPORT

DATE: March 26, 2019

TO: Mayor Butt and Members of the City Council

FROM: Carlos Martinez, City Manager
Shasa Curl, Community & Economic Development Director
LaShonda White, Administrative Chief

SUBJECT: CITY COUNCIL RETREAT AND STRATEGIC PLANNING SESSION
REPORT

STATEMENT OF THE ISSUE:

The City Manager is providing the City Council with a report summarizing their direction on strategic priorities to inform the Fiscal Year 2019/20 Budget and update the Five-Year Strategic Business Plan.

RECOMMENDED ACTION:

RECEIVE a presentation from the City Manager regarding Strategic Plan priorities developed at the City Council retreat on February 8, 2019 and APPROVE City Council strategic priorities for Fiscal Year (FY) 2019/2020 – City Manager's Office (Carlos Martinez 620-6512).

FINANCIAL IMPACT OF RECOMMENDATION:

To the extent it is financially feasible, the approved strategic priorities will be incorporated into the FY 2019/20 Budget. During the upcoming City Council budget meetings in May 2019, staff may identify the need for further direction and refinement of the strategic priorities based on the capacity levels of staff and the financial capacity of the City's general fund or other funding sources' ability to absorb all 40 plus strategic priorities.

To increase transparency and enable the creation of an online dashboard, City staff received a proposal from Socrata Inc., a subsidiary of Tyler Technologies Inc., for their Connected Government Cloud platform at a cost of \$120,000 per year, with a five-year

commitment. City staff is preparing a contract for City Council consideration during the second quarter of 2019.

DISCUSSION:

Background

In order to determine City Council priorities for FY 2019/2020, a City Council Retreat and Strategic Planning Session (“Retreat”) was held February 8, 2019. The City Manager’s Office retained Henry Gardner, Gardner Group, former City Manager of Oakland and former Executive Director of the Association of Bay Area Government to facilitate the Retreat and provide technical assistance to staff. In preparation for the retreat, Mr. Gardner conducted interviews with the Mayor and Councilmembers. The interviews were designed to provide the facilitator with perspective and insight on successes and challenges currently facing the City.

The primary goals of the retreat were as follows:

- Identify City Council policy priorities for FY 2019/2020;
- Receive presentations from staff which highlight 2018 accomplishments and department priorities for FY 2019/2020;
- Align the organization and the FY 2019/2020 budget with stated City Council priorities taking into account budgetary constraints;
- Develop performance measures to track the progress of implementing priorities in a public place; and
- Enable City staff to streamline the Five Year Strategic Business Plan and Health In all Policies (HiAP) reporting.

Retreat Overview

The retreat began with staff presentations categorized into the five Strategic Plan areas as outlined below in Table 1¹. The goal of the presentations was to provide the City Council a baseline of information highlighting key activities currently underway.

¹ City staff recast the five strategic goals currently utilized in the [2016-2020 Five-Year Strategic Business Plan](#) to enable alignment with the categories in the adopted [Health in All Policies Strategy](#). This will improve reporting by increasing efficiency.

Table 1

City Council Retreat & Strategic Planning Session February 8, 2019 Presentation		
Strategic Plan Areas	Responsible Departments	Lead Presenters
1) Governance, Finance, and Leadership	<ul style="list-style-type: none"> - City Attorney's Office - City Clerk - City Council - City Manager's Office - Finance - Human Resources - Information Technology 	Carlos Martinez & Belinda Warner
2) Full Service and Safe Communities	<ul style="list-style-type: none"> - Community Services - Fire - Library and Cultural Services - Office of Neighborhood Safety - Police 	Chief Brown & Chief Sheppard
3) Environment, Health Equity, and Sustainable Communities	<ul style="list-style-type: none"> - City Manager's Office - Planning and Building Services 	Shasa Curl & LaShonda White
4) Residential and Built Environment	<ul style="list-style-type: none"> - Capital Improvement Projects/Engineering - City Manager's Office - Infrastructure and Maintenance Operations - Planning and Building Services - Richmond Housing Authority - Richmond Rent Program - Water Resource Recovery 	Yader Bermudez & Lina Velasco
5) Economic Development and Education	<ul style="list-style-type: none"> - Community Services - City Manager's Office - Employment and Training - Library and Cultural Services - Planning and Building Services - Richmond Port 	Rochelle Polk & Sal Vaca

After the staff presentations, each Councilmember was provided an opportunity to share key priorities. This discussion culminated with over 40 priorities that were then categorized into seven City Council Strategic Goal areas included in Table 2:

Table 2

7 Areas	44 City Council Key Priorities - February 8, 2019
Public Safety	<ol style="list-style-type: none"> 1. Goal of ZERO homicide rate 2. Public trust development 3. Breaking the cycle 4. Attention to mental health issues 5. Response to police management audit 6. Emergency planning 7. Police officer training 8. Improved/increased police presence in neighborhoods (“Pounding the pavement”)
Mobility	<ol style="list-style-type: none"> 9. Traffic congestion/bike lanes 10. Street improvements 11. Pavement Condition Index improvement 12. Region Measure 3 – Richmond Bridge 13. Congestion Management Improvements
Financial Stability	<ol style="list-style-type: none"> 14. Bond financing 15. Revenue generation 16. Addressing PERS/OPEB
Community Health and Environment	<ol style="list-style-type: none"> 17. Climate change 18. Sea level rise 19. Solid waste 20. Toxic site clean-up 21. No coal in Richmond
Housing	<ol style="list-style-type: none"> 22. Mitigation of displacement 23. Homelessness 24. Affordable housing 25. Richmond Housing Authority 26. Right of return 27. Regional outreach plan 28. Inclusionary housing ordinance
Education	<ol style="list-style-type: none"> 29. Richmond Promise 30. Collaboration with West Contra Costa Unified School District 31. Pipeline from WCCUSD to Cal and other higher education institutions
Economic Development and Jobs	<ol style="list-style-type: none"> 32. Point Molate 33. Hilltop 34. 12th and Macdonald 35. Desire for smart development 36. Need for business nodes (people need to shop within their neighborhoods) 37. Lower unemployment rates 38. Richmond Field Station (UC Berkeley)

- 39. Want to make sure that there are local hires on projects
- 40. Zeneca site
- 41. Opportunities for apprenticeships and pre-apprenticeship programs
- 42. Credit repair with SparkPoint
- 43. Port - log operation
- 44. Adjust transition to renewable energy

At the end of the Retreat, the City Manager indicated that staff would continue to work on the performance measures and return to the City Council in March or April 2019 with an updated list of Strategic Plan priorities and performance measures for discussion and adoption. These priorities will inform the development of an updated Five-Year Strategic Business Plan and will help guide and measure the work performed by City staff in FY 2019/2020. Mr. Gardner's submitted a report which summarized the retreat and recommended next steps (Attachment 1).

Additional Analysis Conducted After the Retreat

After the retreat, Department heads met to discuss each of the City Council's priorities to ensure there was a shared understanding of the importance of each priority, and to determine appropriate steps for moving forward so that each item would be successfully implemented. To provide for a consistent system of tracking Council priorities, staff categorized the 7 priority areas and the corresponding priorities into the five strategic planning areas (Table 3).

Table 3

5 Strategic Plan Areas	Implementing Actions
1. Governance, Finance, and Leadership	Bond financing, revenue generation, PERS and OPEB unfunded liability, human resources, quality and quantity of clerk office documents, passports
2. Full Service and Safe Communities	Zero homicide rate, response to police management audit, public trust, breaking the cycle, emergency planning/preparedness, emergency operations center and plan, fire code enforcement, police officer training, improved/increased police presence in neighborhoods
3. Environment, Health Equity, and Sustainable Communities	Climate change, sea level rise, solid waste, toxic site clean-up, no coal in Richmond, storm water trash load reduction, brownfield remediation and redevelopment, health equity, a just transition to renewable energy, Kids First

ITEM H-1
ATTACHMENT 1

4. Residential and Built Environment	Development opportunities, Mitigation of displacement, homelessness, inclusionary housing ordinance, affordable housing, right of return RHA asset repositioning and Section 8 program transfer, regional outreach plan, street improvements, traffic congestion/bike lanes, pavement condition index improvement, Regional Measure 3 – Richmond Bridge, Congestion management improvements
5. Economic Development and Education	Richmond Promise, pipeline from WCCUSD and other higher education institutions, collaboration with WCCUSD, Wi-Fi, student success initiative, GED preparation, local hire on projects, City training database, online high school diploma and career certification program, employee education, Point Molate, Hilltop, 12th and Macdonald, smart development, business nodes, lower employment rates, Richmond Field Station, Zeneca Site, apprenticeship and pre-apprenticeship programs, credit repair with SparkPoint, Port-log operation

With the support of Mr. Gardner, City staff began working to draft performance measures that aligned with the list of City Council priorities and will provide City Council, staff, and the community with a framework to evaluate the quality and effectiveness of City services. Additional implementing actions were created to further define the City Council priorities and to ensure that all City departments were represented (Attachment 2). These actions are incorporated under each of the five Strategic Plan Areas and will be tracked on the City’s online open data portal. Attachment 2 provides draft information with the goal of outlining how each priority area will be tracked (i.e. current status, performance measure and matrix, responsible department, data source, etc.), and will serve as an internal document.

Next Steps

Following the approval of the City Council Strategic Priorities for FY 2019/2020, City staff will incorporate them into the current Five-Year Strategic Business Plan, continue to refine performance measures, discuss the financing needed to successfully implement each priority area during the FY 2019/2020 budget cycle, as well as begin the work to include each priority into the City’s open data platform.

Since 2015, the City of Richmond has utilized an open data platform to report on City initiatives in various departments. Residents can access the City’s dashboard at <https://opendata.ci.richmond.ca.us/>. It currently includes three subject areas: Police Department data, Climate Action Plan progress tracking, and Financial Transparency. City staff is preparing a contract for City Council consideration that includes software tools to improve performance management of the outlined strategic priorities and performance measures, as well as the Five-Year Strategic Business Plan and department data. City staff received a proposal from Socrata Inc., a subsidiary of Tyler Technologies Inc., for their Connected Government Cloud platform at a cost of \$120,000 per year with a five-year commitment. City staff is finalizing a contract for City Council consideration during the second quarter of 2019.

ATTACHMENTS:

1. City Council Retreat & Strategic Planning Session Report by the Gardner Group
2. Draft FY 2019/20 Performance Measures for Richmond City Council Strategic Priorities
3. Draft City Council Retreat & Strategic Planning Session Report PowerPoint

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Implementing Action	Current Status (brief)	Performance Measure/Indicator (Milestone/Deliverable)	Target (With Regards to Performance Measure)	Goal/Objective	Department	Responsible Staff	Data Source	
1) Governance, Finance, and Leadership								
Financial Stability								
1A	Revenue generation (auditorium, fee waivers, port, building permits, master fee schedule, litter fee, marijuana revenue, business license fees)	RFP completed for fee study. Requesting approval from Richmond City Council in April 2019. Port properties are 95% occupied. Terminal 3 mediation is underway.	Present contract to City Council for approval to conduct a comprehensive review and study of all City impact and development fees by April 2019. If approved, complete fee study by June 30, 2020.	In FY 19/20 update and/or adopt: - Master Fee Schedule - Business License Fees - Litter Fee -Settle Terminal 3 mediation -Bring new tenant to Terminal 3 and sign a new lease -Enter into lease agreement to renovate Port's General Warehouse -Release RFP for Port Cafeteria	Complete study in phases; starting in FY19. To review current fee structure and adjust the Master Fee Schedule accordingly. Primary goal is for the Port to be 100% occupied. Additional goal is to settle the lease dispute at Terminal 3.	Finance, RPD, RFD, DIMO, Planning, CSD, Port, CMO	Belinda Warner, Antonio Banuelos & Department Heads as needed	Finance Department
1B	PERS and OPEB Unfunded Liability	Requesting Richmond City Council approval of a contract with PFM Consulting Group (PFM) in April 2019.	City Council approval of contract for PFM to begin working with Finance staff on a thorough review of our 5 year forecast and organizational structure.	1) Develop & implement a plan to pay down the Unfunded Actuarial Accrual liabilities portion of the City's Annual Required Contribution. 2) Increase employee cost sharing of annual pension contributions to reduce the Annual Required Contribution as percentage of total payroll. 3) Consider organizational restructuring to deliver public services including personnel reductions.	Align FY19/20 budget and 5 year financial forecast with City Council priorities, which includes recommendations for reducing our unfunded liabilities for PERS and OPEB.	City-wide	Belinda Warner, Markisha Guillory	Finance Department
1C	Bond Financing: Wastewater, Civic Center and Port Potrero	Requesting City Council approval in May for Wastewater Bond, and in May/June for Civic Center and Port Potrero Bonds.	Council approval and meetings with S&P to receive a rating on the bonds and sell the bonds by June 2019 and August 2019.	1) Lower the risk of the Wastewater bond portfolio by refunding 2008A bonds and associated swap termination. 2) Refund Lease Revenue Civic Center and Point Potrero Project bonds.	Refinance Wastewater bonds to hopefully remove the Swap and obtain additional funds for projects. Refinance Civic Center Bond and Port Potrero.	Finance	Belinda Warner, Markisha Guillory, Delmy Cuellar	Finance Department
1D	Quality and Quantity of Clerk Office Documents	City Clerk is currently reaching output standards	1) Percentage of City Council Minutes posted to the Clerk's webpage within 14 business days following the City Council meeting 2) Percentage of minute approved by the City Council with no corrections 3) Percentage of agenda packets available electronically five days prior to the City Council meeting 4) Percentage of resolutions posted to the webpage within 14 business days following the City Council meeting 5) Percentage of ordinances posted to the webpage within 14 business days following City Council meeting 6) Number of visit to the City Clerk's webpage - for minutes, ordinance, resolution, election information	1) 100% 2) 100% 3) 100% 4) 100% 5) 100% 6) 10% increase	Timely and accurate reporting of City documents and minutes to increase transparency of city processes.	City Clerks	Pamela Christian	City Clerk
1E	Passport Process	Processed over 200 passports in 2018	1) The number of passport application processed 2) the number of passport applications processed with no errors	1) 50% increase 2) 0 errors per quarter	Increase passport processing time	City Clerks	Pamela Christian	City Clerk
1F	To ensure that all supervisors and/or managers are properly trained in personnel matters, including but not limited to legal obligations, proper use of disciplinary process, workers' comp, etc.	Staff currently working on creating modules for presentation/training of supervisors. An introductory module has been completed.	Establish one module per six months beginning fiscal year 2020 until eight modules	Beginning fiscal year 2020 for second module	Complete the Leadership Academy that Human Resources Management Department will provide to Supervisors and above. This Leadership Academy will consist of eight (8) modules that will be provided throughout the year.	HRMD	Each of the eight (8) modules have been divided up and assigned to small groups involving everyone in the HRMD	HRMD

	Implementing Action	Current Status (brief)	Performance Measure/Indicator (Milestone/Deliverable)	Target (With Regards to Performance Measure)	Goal/Objective	Department	Responsible Staff	Data Source
1G	To establish software access for candidates before start date providing information including but not limited to benefits, MOUs, Personnel Rules, etc. along with candidates' ability to submit required forms. Also establishing a non-paper format of obligatory forms	Focus group currently reviewing options for an onboarding software with the ability to interface with MUNIS and NeoGov (current recruitment program in HRMD)	Will assess at least five viable Human Resources Information System (HRIS) software that meet the needs of the City of Richmond	Training and implementation beginning fiscal year 2020	In an effort to go paperless, one of our goals is to have our onboarding process completely online. We will be integrating this feature into our existing online application process.	HRMD	Dorothy Mandujano and Lisa Melgarejo	HRMD
1H	Conduct at least six Police Officer, Lateral, Trainee examinations for placement on eligibility list	Working with Police Department to schedule test dates for the coming year	Schedule a test every two months	End of calendar year 2019	To reduce the number of vacant Police Officer, Lateral, Trainee positions in the City of Richmond and increase the number of women and other underrepresented groups in the Police Department.	HRMD	Donna Newton	HRMD
1I	Conduct at least five Communications Dispatcher I examinations for placement on eligibility list	Working with Police Department to schedule test dates for the coming year	Schedule a test at least every two months	End of calendar year 2019	To reduce the number of vacant Communications Dispatcher I positions in the City of Richmond	HRMD	Donna Newton	HRMD
1J	Ensure a continuous list of diverse applicants to fill vacancies in the Fire Department on an ongoing basis	A current recruitment using CallJac is in process.	A list that is a minimum of 400 highly qualified, diverse individuals	July 1, 2019 establishment of new employment list for Fire	In an effort to increase the number of women and other underrepresented groups in the Fire Department, the Human Resources Management Department testing process will include the use of the California Firefighter Joint Apprenticeship Committee's (Cal-JAC) Firefighter Candidate Testing Center to reach a more diverse pool of qualified candidates.	HRMD	Donna Newton and Jessica Somera	HRMD
1K	Open Data Performance Measures	Since 2015, the City of Richmond has utilized an open data platform to report on City initiatives in various departments. Current efforts are to develop a dashboard that will track and monitor progress on the City Council priorities as well as the updated Five-Year Strategic Business Plan.	1) Council approval of contract with Tyler Technologies Inc. and its subsidiary, Socrata Inc. to develop and maintain an expanded cloud-based dashboard software service that publicly reports City of Richmond performance data. 2) Develop Open Data Dashboard to track and monitor City Council Priorities and the updated 5-Year Strategic Business Plan.	1) QTR2 2019 2) QTR1 2020	1. Contract with Tyler Technologies to enhance the City's current Open Data Functionality to include performance measures to track and monitor City Council Priorities as well as the updated 5-Year Strategic Business Plan. Funding in the amount of \$700,000.00. Five year contract, starting May 2019. Proposed timeline for implementing the City-Wide Dashboard for City Departments is 10 months.	Information Technology Department	Sue Hartman	Information Technology

2) Full Service and Safe Communities

Public Safety								
2A	Goal of ZERO homicide rate	The Mission of the Office of Neighborhood Safety is to reduce and one day eliminate gun violence within the City of Richmond. Since the creation of our office we have made great strides in accomplishing this goal. In 2007 we had 43 gun related homicides and 242 shootings resulting in injury. Last year we had 14 gun related homicides (67% reduction) and 58 shootings resulting in injury (75% reduction). Albeit any act of violence is too much, we should also acknowledge our accomplishments as a City and celebrate the young people of our community for learning healthier ways to deal with their conflict.	Engage 150-175 individuals most impacted and at the center of gun violence, with approximately 4,500 contacts spending between 5,500-6,000 hours of contact with said individuals.	150-175 individuals 4500 contracts, 5500-6000 hours	Sustain current shootings resulting in Injury/Death reductions of 73%, and raise outside resources (approximately \$500,000) to continue and expand services.	ONS	Sam Vaughn	ONS
			Refer with service navigational support to organizations	150-175 individuals		ONS	Sam Vaughn	ONS
			How many are alive since becoming a Fellow, how many have been injured by a firearm since becoming a Fellow, and how many are suspected of a firearm related crime since becoming a Fellow.	100%		ONS	Sam Vaughn	ONS

	Implementing Action	Current Status (brief)	Performance Measure/Indicator (Milestone/Deliverable)	Target (With Regards to Performance Measure)	Goal/Objective	Department	Responsible Staff	Data Source
2A	Goal of ZERO homicide rate	Richmond has suffered a disproportionately high murder rate compared to its population over more than 4 decades – ranging from a high of 61 homicides in 1991, to a low of 11 in 2014. There were 18 homicides in 2018, compared to 15 in 2017. Motivations for the killings vary, but the mechanism of death experienced most often is firearm discharging.	Reduction in the number of malicious killings of human beings by other human beings from the status quo to zero.	20% decreases in number of murder cases from CY 2019 over CY forward until zero.	<ul style="list-style-type: none"> Continue to grow relationships of mutual trust and respect between police and community that better enable police intervention at the first sign of trouble. DSVU detectives play a continuing role at the FJC one-stop center for criminal domestic, sexual and interpersonal violence incidents to help break the cycle. Patrol officers continue using LAP – Lethality Assessment Protocol when investigating alleged incidents of domestic violence as a prevention/intervention measure for preventing DV homicide. Rely on Shotspotter data for the early detection of gunfire incident patterns/clusters indicative of emerging retaliatory shootings between rival gangs Thorough follow-up criminal investigations on gang murder cases that help family and loved ones left behind to seek justice and find closure, as an alternative to seeking revenge. Continued partnership with FBI Safe Streets Task Force to gather active and actionable gang intelligence that allows for pre-gunfire incident intervention that prevents the loss of life, and that helps to prevent the chance for the escalating continuance of retaliatory gunfire incidents. Active follow up investigations on criminal gun possession cases, seek prosecution with help of the community prosecutor (embedded deputy district attorney stationed at RPD). 	RPD	Chief Brown	RPD
2B	Response to police management audit	2018 MBD Innovations audit of the management efficacy of RPD management reached the following conclusions: <ul style="list-style-type: none"> Acrimonious relationship with RPOA. Low morale/talents not leveraged. Lack of compelling articulated vision. Poor handling of high profile police disciplines. Community engagement and proactively addressing crime. Improve City Manager/Police Chief relationship. 	Polling to gauge movement on internal opinions related to the state of labor/management relations and employee morale.	Monthly meetings between Chiefs and RPOA BOD.	<ul style="list-style-type: none"> Complete 3-Year Strategic & Succession Plan - an inclusive process of identifying goals and building strategies to address the critical issues facing the Department now and near term that takes into account the accelerated pace of change that is a new reality. Monthly meetings between Chief's Office and the RPOA BOD to engage in constructive dialog. Training for managers that helps professional growth in their positions. Managers at the rank of lieutenant better integrated with Patrol officers and sergeants, as well as district captains. Policy evolution – in keeping with the times – to allow the wearing of facial hair. Updated Patrol deployment using an 11/80 work schedule. Adequate staffing levels that eliminate the need for compelled backfill work obligations. Employee wellness programs beyond peer support that help police officers avoid job injury, and maintain good physical and emotional wellbeing. Opportunities for expanded job learning, and cross-training that builds skills and leverages existing talents. Mentoring, job shadowing, and other development opportunities that help prepare people to take on responsibility at the next level. 	RPD & City Manager	Chief Brown & Carlos Martinez	CM & RPD
			Tracking crime data for movement up or down as an indicator of police effectiveness at proactively addressing crime.	Quarterly meetings between RPOA BOD and RPD management.		RPD	Chief Brown	RPD
			Refine police community engagement strategies by narrowing down to a manageable level of the ones most effective.	Open communication up and down lines of authority within the RPD.		RPD	Chief Brown	RPD
			Current City Manager/Chief relationship one of regular, open and honest communication, and support and alignment.	Operational issues first problem solved at supervisory and or management level most closely connected to the issue. RPD 2019-2021 Strategic and Succession Plan includes four focus areas – 1) Community Engagement and Crime Prevention; 2) Addressing Crime and Disorder; 3) Staffing and Succession Management; 4) Employee Wellness and Development – seeks to address multiple side of opportunities to improve highlighted in the report. A strong and supportive Manager/Police Chief relationship has been established.		City Manager & RPD	Carlos Martinez & Chief Brown	CM

	Implementing Action	Current Status (brief)	Performance Measure/Indicator (Milestone/Deliverable)	Target (With Regards to Performance Measure)	Goal/Objective	Department	Responsible Staff	Data Source
Emergency planning/preparedness								
2C	Emergency planning/preparedness	RPD is a full-service, professional police department comprising the essential functions of visible police patrols, 911 call and communications center, emergency response to crimes and disorder, follow up criminal investigations, trained crisis negotiators and a SWAT Team.	<ul style="list-style-type: none"> •Demonstrate a constant state of readiness through recurrent training, drills, exercises and ongoing review and critique of emergency incidents handled. •Perform 12 monthly SWAT training exercises annually. •Perform 4 quarterly CNT training exercises annually. •Perform 1 joint SWAT and CNT training exercise annually. •Inspect and test systems on the Mobile Command Center 12 times annually. 	Recurrent checks of various types to confirm the operational readiness of employee, equipment and enabling technologies to ensure prompt and measured immediate response to emergencies, critical incidents and disasters of all types.	Hold one department readiness inspection annually.	RPD	Chief Brown	RPD and RFD
2D	Emergency Operations Center	The City of Richmond Fire Department is continually involved in efforts to plan for, prevent where possible, and respond to all types of potential emergencies. The Office of Emergency Services develops and manages the City's Emergency Operations plan, and provides training and support to City employees, businesses and residents to better prepare Richmond's response to all natural and man-made disasters. The Fire Prevention Division conducts fire code compliance and life-safety inspections to prevent fires and loss of life, ensures new and existing structures are built to adopted fire code standards, and coordinates fire safety educational programs.	Number of training sessions conducted annually	12	Emergency Operations Center city staff are adequately trained in emergency plan procedures.	RFD	Chief Sheppard, OES Manager Genevieve Pastor-Cohen, & Fire Marshal Eric Mendoza-Govan	Training Records & RFD
			Percent of participants who rate the training as having increased their capability in carrying out plans/procedures/roles/ responsibilities annually	90%		RFD	Chief Sheppard, OES Manager Genevieve Pastor-Cohen, & Fire Marshal Eric Mendoza-Govan	Training Evaluation Form & RFD
2E	Emergency Operations Plan		Number of Emergency Support Function Annexes Published annually	17	The City's Emergency Operations Plan is continually updated.	RFD	Chief Sheppard, OES Manager Genevieve Pastor-Cohen & Fire Marshal Eric Mendoza-Govan	ESF Annex Binders & RFD
2F	Fire Code Enforcement		Number of fire code violations discovered and abated annually	100%	Provide consistent interpretation and effective enforcement of the Fire Code to reduce fire hazards in Richmond.	RFD	Chief Sheppard, OES Manager Genevieve Pastor-Cohen & Fire Marshal Eric Mendoza-Govan	Inspection data (TRAKIT & RFD)
2G	Emergency prevention, preparedness and response education		Number of training sessions conducted members annually	50	Residents, schools, and businesses receive emergency prevention, preparedness and response education.	RFD	Chief Sheppard, OES Manager Genevieve Pastor-Cohen & Fire Marshal Eric Mendoza-Govan	Training records & RFD
2H	Police Officer training (focus on mental health)	<p>All Patrol officers are required to have completed basic Crisis Negotiation training for dealing with people suffering mental illness, but not all are. About half have yet to undergo the offering because of rapid staff turnover, and assignment transfers.</p> <p>All Patrol officers are trained in, and regularly use, a moderated approach to volatile situation designed to deescalate communications and calm circumstances so as not to have things turn too physical too quickly.</p>	<p>Train all Patrol officers in crisis negotiation skills for dealing with populations suffering mental illness.</p> <p>Patrol officers trained in crisis negotiation no later than the end of CY 2019.</p>	Track and review force incidents involving interactions with subjects in mental crisis to gage tactics, access training transfer, and to learn whether corrections are warranted. Continue partnership with CCC Mental Health, maintain MHET officer, add one additional officer, and track the overall handling of 5150 CFS.	Secure this specialized, high-demand training from certified vendors so that the remaining workforce completes the training as quickly as practical.	RPD	Chief Brown	RPD

Implementing Action	Current Status (brief)	Performance Measure/Indicator (Milestone/Deliverable)	Target (With Regards to Performance Measure)	Goal/Objective	Department	Responsible Staff	Data Source	
3) Environment, Health Equity, and Sustainable Communities								
Community Health and Environment								
3A	Zero Waste Programs	Working towards compliance with State regulations and implementation of State grants.	1) Number and percentage of business and multifamily dwellings compliant with AB 1826 2) Number and percentage of businesses and multifamily dwellings compliant with AB 341 3) Tons and quantities of Illegally dumped material 4) Number of Richmond residents participating and/or amount of material collected through Household Hazardous Waste (HHW) programs. 5) The number of bulky items collected by city abatement crews, number of bulky items discarded at transfer station by residents, and number of residents participating in bulky item pick-up program. 6) Increase the city's overall diversion of solid waste by tracking annual tons of solid waste, recycling, and organics processed.	1) 90% compliance with AB 1826 2) 90% compliance with AB 341 3) 5% reduction from previous year 4) 3% increase in the number of participating residents 5a) 5% decrease in bulky items collected by city abatement crews 5b) 5% increase in bulky items discarded at transfer station by residents 5c) 5% increase in residents participating in bulky item programs 6) Proportional increase in diversion to achieve 90% diversion by 2030 (CAP goal) 7) 100% compliance with State Construction and Demolition Debris recycling for City-issued building permits (CAP Goal)	Implement the Climate Action Plan to reduce greenhouse gas emissions and improve community health through increased waste diversion from landfills.	CMO - Environmental and Health Initiatives	Shasa Curl Adam Lenz Samantha Carr	City of Richmond RecycleMore Republic Services
3B	Renewable Energy	Implementing programs and policies to achieve Climate Action Plan goals.	1) Number of buildings solarized 2) Amount of MCE Deep Green participation 3) Amount of renewable energy produced in Richmond 4) Number of low-income solar installations 5) Percentage of eligible Richmond residents enrolled in CARE	1) Install 67 residential solar systems, 5 commercial per year to achieve 1,010 residential solar installations, 69 commercial solar installations by 2030 (CAP Goal) 2) Generate 90% of electricity from renewable sources by 2025 (CAP Goal) 3) 100 percent eligible residents participating in CARE	Implement the Climate Action Plan to reduce greenhouse gas emissions and improve community health, and enable a just transition to clean energy.	CMO - Environmental and Health Initiatives	Shasa Curl Adam Lenz Samantha Carr Abby Carlstad	City of Richmond MCE PG&E East Bay Energy Watch
3C	Energy Efficiency	Implementing programs and policies to achieve Climate Action Plan goals.	1) Percent reduction in energy consumption annually 2) Number of businesses, and residents participating in City, or partnering agency, energy efficiency programs	1) A fifty percent reduction in energy consumption by 2030 (CAP Goal) 2) Participation of 100 businesses and 100 residential units in Energize Richmond energy programs	Implement the Climate Action Plan to reduce greenhouse gas emissions and improve community health, and enable a just transition to clean energy.	CMO - Environmental and Health Initiatives	Shasa Curl Adam Lenz Samantha Carr Abby Carlstad	City of Richmond MCE PG&E East Bay Energy Watch
3E	Health Equity	Health in All Policies (HiAP) Strategy and ordinance currently being implemented across departments, HiAP implementing actions are being incorporated in the 5 year strategic business plan. City of Richmond recently received Robert Wood Johnson Foundation funding to highlight and evaluate the last three (3) years of HiAP work.	Complete RWJF deliverables for the HiAP Report	QTR3 2019	Improve greater health equity and life expectancy in Richmond	CMO & City-wide	Shasa Curl & Gabino Arredondo	City of Richmond ACS UC Berkeley Richmond Community Survey Richmond Open Data Portal Richmond GIS Cal EPA EnviroScreen CDC 500 Cities CHIS
3F	Kids First	Provided an update to City Council on 1/22/2019, and met with key stakeholders' currently, developing oversight board application and guidelines to be approved by City Council.	1) Convening of first Oversight Board meeting 2) Partner with key stakeholders to collaborate on the development on the Fund and Department 3) Present the Strategic Investment Plan for City Council review and approval 4) Receive Oversight Board applications 5) Hold community engagement activities	1) July 2019 2) 6 key stakeholders 3) End of year 2020 4) 20 Oversight Board application received 5) 10 community engagement activities	Implement Kids First Program and establish fund	Department of Children and Youth	LaShonda White	Department of Children and Youth
3G	Stormwater Trash Load Reduction	Cooperative Implementation Agreement with Caltrans approved on Jan 22. Trash capture project is now out to bid.	Agencies discharging stormwater to the SF Bay must reduce their trash load by 80% by July 1, 2019	Construct project and have operational by July 1, 2019	Achieve 80% trash load reduction requirement by July 1, 2019	WRR	Ryan Smith, Joanne Le	Municipal Regional Stormwater Permit, provision C.10
3H	Stormwater Trash Load Reduction	Plan to achieve 100% trash load reduction, or no adverse impact to receiving water from trash, by July 1, 2022 is in development.	Agencies discharging stormwater to the SF Bay must reduce their trash load by 100%, or no adverse impact to receiving waters from trash, by July 1, 2022	Construct project and have operational by July 1, 2022	Achieve 100% trash load reduction requirement, or no adverse impact to receiving waters from trash, by July 1, 2022. However, this is unlikely to occur as 100% trash load reduction is practically impossible.	WRR	Ryan Smith, Joanne Le	Municipal Regional Stormwater Permit, provision C.10

	Implementing Action	Current Status (brief)	Performance Measure/Indicator (Milestone/Deliverable)	Target (With Regards to Performance Measure)	Goal/Objective	Department	Responsible Staff	Data Source
3I	Wastewater Revenue Bonds	Preliminary Official Statement is being developed.	Close the transaction the week of May 13, 2019	Close the transaction the week of May 13, 2019	Obtain funds to construct deferred treatment plant and Baykeeper mandated projects	WRR	Ryan Smith, Belinda Warner, Everett Jenkins	2016 Wastewater Treatment Plant Facility Plan, 2018 Baykeeper Settlement Agreement
3J	Clean Water State Revolving Fund Loan and NPDES Permit Compliance	NPDES permit limits are exceeded on occasion. CWSRF loan is in final stages of review at the State.	Enter into contract with the State before June 30, 2019	Enter into contract with the State before June 30, 2019	Obtain funds to construct new headworks and aeration system upgrade at the wastewater treatment plant to improve the facility's performance and reliability	WRR	Ryan Smith, Belinda Warner	2016 Wastewater Treatment Plant Facility Plan
3K	Baykeeper Settlement Agreement Compliance	In full compliance with the various requirements of the agreement. The 2019 Risk Assessment Analysis (RAA) was delivered on time, Baykeeper submitted comments, the RAA is now being revised.	Richmond must meet sanitary sewer overflow (SSO) reduction performance goal of 27 or less in 2019	12/31/2019	Achieve goal of 27 or less SSOs in calendar year 2019. However this is unlikely to occur due to the significant storms in February causing a high number of SSOs in that month alone.	WRR	Ryan Smith, Everett Jenkins	2018 Baykeeper Settlement Agreement
3L	Brownfield Remediation & Redevelopment (toxic site clean-up) (site monitoring with DTSC)	Complete EPA Brownfield Assessment	Complete 4 phase 1 or phase 2 assessments for potential redevelopment projects	QTR2 2020	Inform redevelopment and cleanup of brownfield sites	Planning	Charice Duckworth & Craig Murray	Planning Department and EPA
3M	No coal in Richmond	Ordinance prohibiting the storage and handling of Coal and Petcoke	Ordinance adoption	12/31/2019	Reduce fugitive dust from coal and petcoke	Planning & City Attorney's Office	Lina Velasco and James Atencio	City Clerk, Planning, City Attorney

4) Residential and Built Environment

Economic Development/Jobs

4A	Development Opportunities							
	<ul style="list-style-type: none"> Point Molate 	On March 19, 2019, City Council provided direction to negotiate an Exclusive Right to Negotiate (ERN) with SunCal. It is anticipated that a draft ERN will be before Council in April 2019 for consideration.	Achievement of entitlement process benchmarks per schedule	1) Approve ERN - 4/2019 2) Design Review Board Recommendation - 10/2019 3) City Council Discretionary Approvals Deadline - 4/2020	Project entitlements obtained	Planning, CAO, CMO	Lina Velasco, Bruce Goodmiller, Carlos Martinez	Planning
	<ul style="list-style-type: none"> Hilltop 	Permits issued for new hotel, grocery store, and mall entry ways	1) Processing time of entitlement process benchmarks per quarter 2) Completion of the entire entitlement process	1) Hotel entitled - Quarter 2, 2019 2a) Ranch 99 Conditional Use Permit - Quarter 2, 2019 2b) Ranch 99 Building permits for remodel issued - Quarter 3 2019 3) Mall entry ways	Issue entitlements that would assist in the rebranding of The Shops at Hilltop	Planning, CMO	Lina Velasco	Planning and Building Services (TRAKIT)
	<ul style="list-style-type: none"> 12th and Macdonald Mixed-Use Project 	Proposed mixed-use project at 12th St & Macdonald, DDA executed, entitlement application under review.	1) Processing time of entitlement process benchmarks per quarter 2) Completion of the entire entitlement process	1) Complete site plan/Preliminary Design - April, 2019 2) Submission of Complete - June, 2019 3) Entitlement application - Sept, 2019	Project entitlements obtained	Planning, CMO	Lina Velasco, Roberta Feliciano, Thomas Omolo	DDA Schedule of Performance (TRAKIT)
	<ul style="list-style-type: none"> Richmond Field Station (UC Berkeley) 	Field Station property owned by University of California. UC Berkeley determining proposed next steps.	Quarterly meetings to assist UC Berkeley	4 meetings	Work with UC Berkeley to develop the Field Station consistent with the Long Range Development Plan	Planning, CMO	Carlos Martinez, Lina Velasco, Shasa Curl	UC Berkeley
	<ul style="list-style-type: none"> Zeneca site 	Richmond Bay Specific Plan adopted. Draft FSRAP and Mitigated Negative Declaration under review by DTSC.	DTSC to adopt FSRAP for Zeneca Site	QTR4 2019	Begin Cleanup of site -QTR 1 2020	Planning	Lina Velasco	DTSC
	<ul style="list-style-type: none"> Port 	Ongoing marketing activities	Percentage of properties under lease and paying rent on time (on a monthly basis).	100%	100% properties under lease. Settlement of T3 log operation issues.	Port	Jim Matzorkis	Port lease documents.
	<ul style="list-style-type: none"> Hacienda 	Currently working with DRA (technical assistance) and Mercy Housing and CHDC under an Exclusive Negotiating Rights Agreement (ENRA).	1) Processing time of entitlement process benchmarks per quarter 2) Completion of the entire entitlement process	1) Design Review Board Meeting Date 3/13 2) Planning Commission Meeting Date 3/21 3) Complete DDA by Quarter 3	Rehabilitate Hacienda into 147 affordable housing units and on-site resident services for seniors (Mercy Housing & CHDC). DRA to prepare new term sheet for RHA Board to consider.	Planning, RHA, CMO	Shasa Curl, Lina Velasco, Roberta Feliciano, Nannette Beacham, Charice Duckworth,	Track It & DDA Schedule of Performance

DRAFT FY 2019-2020 PERFORMANCE MEASUREMENTS FOR RICHMOND CITY COUNCIL STRATEGIC PRIORITIES

ITEM H-1
ATTACHMENT 2

	Implementing Action	Current Status (brief)	Performance Measure/Indicator (Milestone/Deliverable)	Target (With Regards to Performance Measure)	Goal/Objective	Department	Responsible Staff	Data Source
Mobility								
4B	Street improvements (bike lanes, reduced traffic congestion, PCI improvement)	23rd St Streetscape update	Adoption by City Council of updated 23rd Street Streetscape Plan	QTR2 2019	Improve 23rd St. corridor for bikes, pedestrians and economic development	Planning, ECIP, Transportation Division	Lina Velasco, Yader Bermudez	ECIP GIS
		Pavement Management Program	Maintain Pavement Condition Index of 66	QTR2 2020	Utilize pavement funding to maximize Pavement Condition Index (PCI). Based on current pavement funding projections, PCI is anticipated to remain 66 for one year and then decrease.	ECIP	Yader Bermudez	ECIP StreetSaver
		Congestion Management Improvements	1) Install backup system/parts for emergencies at signalized intersections 2) Interconnect traffic signals on 23rd Street and Carlson Boulevard corridors 3) Improve street lighting, signage and striping along main roadways 4) Support Caltrans SMART I-80 corridor project on San Pablo Avenue; implement PASS project on Richmond Parkway	QTR2 2020	1) Facilitate safe traffic signal operation during power outage 2) Keep traffic flowing efficiently along City corridors 3) Create safer and more efficient networks for all modes of transportation 4) Relieve congestion along regional corridors	ECIP	Yader Bermudez	ECIP
		RM3	Develop preliminary plan to utilize anticipated RM3 funds to enhance bike/ped network.	QTR2 2020	Install bicycle & pedestrian facilities to facilitate increases in alternative modes of transportation.	ECIP	Yader Bermudez	ECIP CIP
		Harbour Way Complete Street Plan	Complete Active Transportation Program grant application for Harbour Way Complete Street Plan	QTR2 2020	Complete Streetscape improvement on Harbour including for pedestrians, bikes, and vehicles	Planning, ECIP, Transportation Division	Lina Velasco, Yader Bermudez	ECIP GIS
Housing								
4C	Homelessness	Complete RV park study	1) Study existing programs 2) Provide council presentation of options 3) Obtain direction for Richmond specific plan 4) Program Adoption	1) March/April 2) May 3) June 4) July/August	Obtain City Council direction on Richmond RV Park Plan	Planning	Lina Velasco, Emily Carroll	Planning
		Problem is growing. Direct effect on public health and safety and DIMO resources.	Number of abatements		Reduction of encampments city wide	DIMO & RPD	Tim Higares & Michelle Milam	Code Enforcement, RPD, TRAKIT
			Number of task force/ county homeless meetings attended		To collaboratively participate in developing a strategic solution for our homeless population	DIMO & RPD	Tim Higares & Michelle Milam	Code Enforcement, RPD, TRAKIT
			Number of homeless occupants taking advantage of CORE services		To measure the number of homeless taking advantage of services	DIMO & RPD	Tim Higares & Michelle Milam	Code Enforcement, RPD, TRAKIT
4D	Affordable housing (Mitigation of displacement/ inclusionary housing/housing fair chance access chance)	Inclusionary ordinance update	1) Study session with planning commission 2) Draft ordinance amendments 3) Planning commission recommendation of Ordinance amendments to City Council 4) City Council adoption of updated ordinance	1) April 2) May 3) June 4) July	Adopt Inclusionary Housing Ordinance Amendments	Planning	Lina Velasco	Planning
		Fair Chance Access to Affordable Housing	1) Complete Implementation structure for Fair Chance Access to Affordable Housing Ordinance (FCO) 2) Recommend Ordinance Refinements to the FCO to better support implementation 3) Provide educational workshops to tenants and affordable housing providers regarding FCO	1) May 2019 2) July 2019	Enhance housing access of formerly incarcerated people in Richmond	Planning	Charice Duckworth & Lina Velasco	Planning
		Landlord and Tenant counseling on the requirements of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, Relocation Ordinance, and related State laws	1) Number of counseling sessions conducted 2) Number of referrals to legal services agencies 3) Number of community members assisted in a language other than English 4) Launch Formal Mediation Program	1) Exceed previous year by 10% 2) Exceed previous year by 10% 3) Exceed previous year by 10% 4) December 2019	Provide culturally competent counseling services to Landlords, Tenants, property managers, and other members of the rental housing community	Rent Program	Nicolas Traylor and Paige Roosa	Track It & Rent Program
		Community engagement and outreach on the requirements of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, Relocation Ordinance, and related State laws	1) Participation at monthly Community Workshops 2) Number of individuals subscribed to Rent Program listserv 3) Provide tailored presentations to Neighborhood Councils, Realtors Associations, and other community groups 4) Publish the Guide to Rent Control in Richmond 5) Publish informational videos about the Rent Ordinance	1) Maintain participation achieved in FY 2018-19 (number of recorded sign-ins) 2) Exceed previous year by 10% 3) Exceed previous year by 25% 4) September 2019 5) September 2019	Conduct outreach and provide education to Landlords, Tenants, and other community members	Rent Program	Nicolas Traylor and Paige Roosa	Track It & Rent Program
4E	Richmond Housing Authority Asset Repositioning strategy	A Draft of Asset repositioning strategy has been developed for public housing sites controlled by RHA.	Completion of RHA asset repositioning strategy by Quarter 3	1) Finalize RHA asset repositioning strategy by April 2019	Reposition RHA assets	RHA	Nannette Beacham, Shasa Curl, Lina Velasco	HUD

DRAFT FY 2019-2020 PERFORMANCE MEASUREMENTS FOR RICHMOND CITY COUNCIL STRATEGIC PRIORITIES

	Implementing Action	Current Status (brief)	Performance Measure/Indicator (Milestone/Deliverable)	Target (With Regards to Performance Measure)	Goal/Objective	Department	Responsible Staff	Data Source
4F	Richmond Housing Authority - Section 8 Program Transfer	RHA Board of Commissioners and CCCHA approved the transfer of the Section 8 Housing Choice Voucher (HCV) Program to Contra Costa County	Completion of HCV transfer by Quarter 3	1) Receive Technical Assistance for HCV transfer - April 2019 2) Complete HCV Transfer - June 30, 2019	Transfer HCV program effective July 1, 2019	RHA	Nannette Beacham	HUD
4G	Richmond Housing Authority - Hacienda Rehabilitation	ERN with Mercy Housing to develop the site. Working with development partner to ensure project can be fully supported financially. Mercy Housing development proposal began the entitlement process through the Planning and Building Department. Initial approval of the proposed project from DRB with conditions. ERN with Mercy Housing expires in June 2019.	1) Ensuring the financial terms of the project are viable 2) Negotiate and execute DDA 3) Complete the Entitlement process (DRB, Planning Commission, etc.) 4) Begin Construction	1) April 2019 2) June 2019 3) June 2019 4) 2020	Enter into agreement with development partner to seek funding and rehabilitate Hacienda. Any household wishing to return to the completely renovated Hacienda, shall be afforded first priority for a renovated unit provided that the household meets the minimum eligibility requirements set by state and federal law at the time of application. If negotiations and project development does not move forward at the end of the ERN period, RHA will seek approval from HUD to sell the property.	RHA	Nannette Beacham, Shasa Curl, Lina Velasco	HUD
4H	Regional Outreach Plan	Continue to participate in Regional Planning Efforts	1) Attend Countywide Planning Director Meetings 2) Attend WCCTAC TAC Meeting 3) Participate in East Bay Corridor Initiative Meetings 4) Participate in San Pablo Avenue Complete Streets TAC 5) Participate in Census 2020 Complete Count Committee Meetings	QTRLY meetings	To communicate Richmond's needs and goals at the Regional Planning levels to obtain resources and support for Richmond initiatives	Engineering, Planning, and Transportation Division	Dene Evans, Lina Velasco, Dane Rogers	

5) Economic Development and Education

Education								
5A	Richmond Promise	Richmond Public Library and Richmond Promise have had initial conversations about potential partnerships. * \$5.4 million committed in Richmond Promise scholarships * 91% of 2018 Scholars enrolled full-time and on-time the fall after their senior year (39% increase) * 900+ Scholars attending 90+ colleges and 90+ colleges and universities * 700+ complete applications received for class of 2019 (23% increase from 2017) * Over 700 middle and high schoolers reached through the College Awareness Near-Peer Ambassador Program	1) Host Richmond Promise Workshops at the Library 2) Create a joint workgroup to explore opportunities for collaboration and support (A) Scholarship Access & College Affordability: A.1 20% increase the number of students who are awarded the Richmond Promise Scholarship from the incoming class of 2019 A.2 70% financial aid completion at Kennedy HS (from 48% in 2018) 80% financial aid completion at DeAnza HS (from 67% in 2018) as a result of our comprehensive classroom-based financial aid pilot (B) College Success / Degree Attainment: Goal of 80% college persistence for incoming class of 2019 (C) Fundraising & Development: Aim to double philanthropic income (foundations/individuals/corporations). Reach another 100+ individual donors.	1) 2 Workshops by May 2020 2) Convening of first meeting by October 2019 (A.1) September 2019 (A.2) May 2019 & 2020 (B) June 2020 (C) January 2020	Support a college-going culture among Richmond students Vision: We see a day when every young person in Richmond has the opportunity to define and own their future. Mission: The Richmond Promise creates lasting pathways to student success in Richmond through a college scholarship, inclusive student-driven programming, and impactful community partnerships. Indicators of Success: *Richmond students complete FAFSA and Dream Act by the Cal Grant deadline *Richmond Promise students complete Richmond Promise application by deadline *Richmond students matriculate to accredited 2 or 4-year college full time and on time the fall after r their senior year *Richmond Students transfer to a 4-year college or university *Richmond Students attain Associates Degree within 3 years or Bachelors Degree within 6 years *Richmond Scholars gain meaningful employment in the field of their choice, locally or regionally	Library, Richmond Promise Primary Collaboration with the following departments: Library, Community Services, RPAL / RPD	Katy Curl, Jessie Stewart Jessie Stewart	Richmond Promise, Library *Student transcripts *Scholarship Checks *Salesforce Database
5B	Collaboration with West Contra Costa Unified School District	CSD partners with WCCUSD during the summer for Camp Achieve, and lunch and snack program (summer and after school). WCCUSD provides funding \$70K in funding to support the summer salaries for teachers and enrichment providers.	1) Provide quality summer programming and activities; 2) increase literacy gains 3) increase average daily summer camp attendance; 4) using centers and parks during the summer to provide healthy lunches and snacks	1) Provide quality summer programming and activities to 250 - 300 youth between ages 6 - 12; 2) increase literacy gains from 7.9 % to 8.2%; 3) increase average daily summer camp attendance from 26.8 days to 28 days; 4) using centers and parks, provide healthy lunches and snacks to 350 youth during the summer	Provide free quality summer programs and activities that are grounded in youth development and academic enrichment.	Library, CSD, IT	Rochelle Polk	CSD
5C	Wi-Fi	Underserved areas in Richmond are in need of Internet connectivity for youth to perform homework and adults to have opportunities for jobs and to improve health. The City of Richmond Information Technology Department has built a working relationship with the West Contra Costa Unified School District in regards to improving community internet access through expanded fiber to each school building where the WCCUSD has given the City of Richmond 12 strands of fiber for use by the City. The City has completed phase one of the Community Wi-Fi deployment providing three Housing Authority projects with free internet access.	Work with WCCUSD for expanded free Community Wi-Fi and collaborate on youth opportunities with technology innovation through non-profit Technology Labs.	Develop a public private partnership to connect City Fiber to WCCUSD locations for expansion of free Community Wi-Fi and collaborate with non-profits to expand youth technology innovation. 1) QTR4 2019	1. Increase the number of youth and community members with access to free Community Internet. Develop an RFP to expand the Community Wi-Fi through public private partnerships utilizing school fiber connections for expanded Community Internet. Increase the City of Richmond community internet connections by 25% per year. (funding source needs to be identified). CIP funding in the amount of \$1,000,000.00.	IT	Sue Hartman	IT Department, ECIP

	Implementing Action	Current Status (brief)	Performance Measure/Indicator (Milestone/Deliverable)	Target (With Regards to Performance Measure)	Goal/Objective	Department	Responsible Staff	Data Source
5D	Student Success Initiative	A statewide initiative to create partnerships with local school districts to give students public library cards. Richmond Public Library conducted a pilot project with 8th grade students at Caliber Beta Academy (CBA). 60 library cards have been issued to date.	1) Year 2: Expand project to include 7th grade at CBA 2) Pilot project at one additional school TBD 3) Participate in existing collaboratives focused on student success a) Out of School Time Collaborative b) West Contra Costa Literacy Coalition c) West County College Access Network 4) Create a joint City/WCCUSD task force to explore potential models and next steps for implementing Student Success partnerships at WCCUSD schools	1) 80% of 7th and 8th CBA students have library card by Dec 2019 2) Issue 50 cards at site 2 by May 2020 3) Staff to attend 90% of meetings FY 2019/20 4) Convene task force first meeting by December 2019	Increase Richmond students access to quality educational materials and resources through the Library	Library	Katy Curl; Jane Pratt	Library
5E	GED preparation	Leap provides ongoing GED preparation in English and Spanish with small classes, individual tutors, and online learning options. West Contra Costa Adult Education (WCCAE) regularly refers adult learners who need alternative options for learning to LEAP. LEAP connects all GED graduates to WCCAE's transition specialist for free support services and resources that would help them succeed in their education and/or career goals.	1) Increase enrollment in GED programs 2) Increase GED completion rate by 10%	1) 15% increase for FY 2019/20 2) 10% increase for FY 2019/20	Ensure that students who enroll in LEAP continue their academic improvement after they increase their reading computational and writing skills.	Library	Katy Curl, Abigail Sims	Library
5F	Financial Literacy	The City of Richmond currently is a member and participates in the SparkPoint collaborative which provides multiple opportunities for Financial Literacy.	Number of Richmond Residents participating in credit repair workshops and counseling sessions with SparkPoint	4	First time homebuyer and credit repair workshops for Richmond residents	Library, CMO	Katy Curl, Thomas Omolo	Library
Job/Job Training Opportunities								
5G	Local hires on projects	Local Employment Ordinance requires 25% of all project hours be worked by Richmond residents. Currently all projects are meeting or exceeding 25%	1. The 25% requirement is tracked via certified payrolls on all cover projects	25% of all project hours worked by Richmond residents	25% Richmond resident participation on each cover project.	E & T	Sal Vaca, Gina Baker	Employment and Training
5H	Opportunities for apprenticeships and pre-apprenticeship programs	RichmondBUILD provides pre-apprenticeship training in the construction sector for Richmond residents. RB operates three cohorts of 20+ students each year.	1. Number to students 2. Number of graduates 3. Number of job placements in apprenticeship programs. 4. Hourly wage at placement	60 students 55 graduates 40 placements \$19 an hour average hourly wage	1. 80% training completion rate 2. 80% Job placement rate 3. 75% job retention rate	E & T	Sal Vaca, Fred Lucero	Employment and Training
5I	Knowledge City training database	With over 13,000 online videos, Knowledge City offers online training in business, computer, safety, compliance, and finance created by experienced instructors, college professors and industry experts. Also available in Spanish, Knowledge City is free and accessible 24/7 with a Richmond Public Library card.	1) Marketing a) Include Knowledge City resource info in PACE Employee Toolkit b) Make presentations to CBOs and business organizations 2) Number of students assigned to one or more courses 3) Total number of courses in progress 4) Number of completion certificates earned	1a) August 2019 1b) 4 presentations by January 2020 2) 120 students 3) 60 courses in progress 4) 30 completion certificates earned	Improve job skills of residents anytime and anywhere	Library	Katy Curl, Jane Pratt, Wylendia Eastman	Library
5J	Online High School Diploma and Career Certificate Program	Career Online High School is an educational service offered by Gale, a part of Cengage Learning, which gives adults the opportunity to earn an accredited high school diploma and credentialled career certificate at the same time. Through this program, California public libraries receive support to offer free COHS scholarships in their communities.	1) Number of Students enrolled 2) Number of Graduates	1) 40 2) 21	Increase number of residents with high school diploma	Library	Katy Curl, Abigail Sims	Library
5K	Business Employer\Employee Education: PACE (Promote Adult Continuing Education) 4 the Workforce Project	State Library awarded LSTA funds for project to support residents in low wage jobs without high school diploma. LEAP convened a working group of government, education and business partners to reach out to local companies, and engage in conversations about the importance of investing in education.	1) Create program models that can be implemented by businesses at different levels of engagement with a range of required resources. 2) Create a tool kit for employees to illustrate educational onramps available in our community and potential career opportunities. 3) Pilot program implementation with 2-3 businesses	1) September 2019 2) August 2019 3) December 2020	Ensure that residents raise their skills and attain the education they need to make a living wage.	Library	Katy Curl, Abigail Sims	Library

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