



REGULAR MEETING OF THE RENT BOARD OF THE CITY OF RICHMOND

AGENDA
Wednesday, October 21, 2020

Link to Rent Board Meeting Agendas and Accompanying Materials:
www.ci.richmond.ca.us/3375/Rent-Board

Board Chair
Lauren Maddock

Board Vice Chair
Emma Gerould

Boardmembers
Alana Grice Conner
Virginia Finlay
(Vacant Position)

**ALL BOARDMEMBERS WILL PARTICIPATE VIA VIDEO OR
TELECONFERENCE**

***REFER TO PAGE 2 FOR INSTRUCTIONS ON HOW TO PARTICIPATE
BY COMPUTER, MOBILE DEVICE, OR PHONE AS A MEMBER OF THE PUBLIC***

CORONAVIRUS DISEASE (COVID-19) ADVISORY

Due to the coronavirus (COVID-19) pandemic, Contra Costa County and Governor Gavin Newsom have issued multiple orders requiring sheltering in place, social distancing, and reduction of person-to-person contact. Accordingly, Governor Gavin Newsom has issued executive orders that allow cities to hold public meetings via teleconferencing.

Both <https://www.coronavirus.cchealth.org/> and
<http://www.ci.richmond.ca.us/3914/Richmond-Coronavirus-Info>
provide updated coronavirus information.

Public comment will be confined to items appearing on the agenda and will be limited to the methods provided below. DUE TO THE SHELTER IN PLACE ORDERS, and consistent with Executive Order N29-20, this meeting will utilize video/teleconferencing

only. The following provides information on how the public can participate in this meeting.

How to observe and/or participate in the meeting from home:

By Computer, Tablet, or Mobile Device:

Step 1: Tune in to the videoconference at the following link:

<https://us02web.zoom.us/j/85205436302?pwd=eFgrS2RkT3BjcUNWdXhCZUIxRk9lUT09>

Step 2: Enter the following password: rentboard

By Telephone:

Step 1: Dial (for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 669 900 9128 or +1 253 215 8782 or +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

Step 2: Webinar ID: 852 0543 6302

International numbers available: <https://us02web.zoom.us/j/85205436302>

How to make a Public Comment during the meeting:

Members of the public must submit a request to speak during the meeting by sending an email to Rent Board Clerk Cynthia Shaw at cynthia_shaw@ci.richmond.ca.us by **3:00 PM on Wednesday, October 21, 2020**. The request must include the following:

- (a) Your Name
- (b) Your Phone Number
- (c) The Item for which you wish to make a Public Comment

Requests for comments received via email during the meeting and up until the public comment period on the relevant agenda item is closed, will be accommodated as is reasonably possible and will be limited to a maximum of one to two minutes, depending on the number of commenters, as more fully described in the Rent Board meeting procedures below. The City cannot guarantee that its network and/or the site will be uninterrupted.

Accessibility for Individuals with Disabilities

Upon request, the City will provide for written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services and sign language interpreters, to enable individuals with disabilities to participate in and provide comments at/related to public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, auxiliary aid, service or alternative format requested at least two days before the meeting.

Requests should be emailed to cynthia_shaw@ci.richmond.ca.us or submitted by phone at (510) 620-5552. Requests made by mail to the Rent Program Office, Rent Board meeting, 440 Civic Center Plaza, Suite 200, Richmond, CA 94804 must be received at least two days before the meeting. Requests will be granted whenever possible and resolved in favor of accessibility.

Effect of Advisory on In-Person Public Participation

During the pendency of the Executive Order N-29-20, the language in this Advisory portion of the agenda supersedes any language below in the meeting procedures contemplating in-person public comment.

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.

**OPEN SESSION TO HEAR PUBLIC COMMENT BEFORE CLOSED
SESSION**

5:00 PM

A. ROLL CALL

B. PUBLIC COMMENT BEFORE CLOSED SESSION

C. ADJOURN TO CLOSED SESSION

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
McBride v. Richmond Rent Board
Case Number RSC20-0257

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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. REPORT FROM LEGAL COUNSEL OF FINAL DECISIONS MADE IN CLOSED SESSION

E. AGENDA REVIEW

F. PUBLIC FORUM

G. RENT BOARD CONSENT CALENDAR

- | | |
|---|---------------------|
| G-1. APPROVE the minutes of the August 19, 2020, Regular Meeting of the Richmond Rent Board.
<i>This item was continued from September 16, 2020 meeting.</i> | <i>Cynthia Shaw</i> |
| G-2. APPROVE the minutes of the September 16, 2020, Regular Meeting of the Richmond Rent Board. | <i>Cynthia Shaw</i> |
| G-3. RECEIVE letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100. | <i>Cynthia Shaw</i> |
| G-4. RECEIVE the September 2020 Rent Program Monthly Report. | <i>Paige Roosa</i> |
| G-5. RECEIVE the Rent Program FY 2019-20 Monthly Revenue and Expenditure Report through September 2020. | <i>Paige Roosa</i> |

H. RENT BOARD AS A WHOLE

- H-1. RECEIVE a presentation on Assembly Bill 3088. *Charles Oshinuga*

I. REGULATIONS

- I-1. ADOPT revised Chapter 2 Regulations, concerning the process whereby property owners may seek an exemption or determination of inapplicability of a dwelling unit from provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance. *Paige Roosa*

- I-2. CONSIDER ADOPTION of proposed Owner Move-In Eviction Regulations 1010 and DISCUSS proposed Owner Move-In Eviction Regulation 1009 in the context of Richmond Municipal Code Section 11.100.050(a)(6)(B). *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: October 21, 2020

Final Decision Date Deadline: October 21, 2020

STATEMENT OF THE ISSUE: The minutes of the August 19, 2020, Regular Meeting of the Richmond Rent Board require approval.

INDICATE APPROPRIATE BODY

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

ITEM

- | | | |
|---|--|--|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) | | |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Regulation | <input checked="" type="checkbox"/> Other: <u>CONSENT CALENDAR</u> |
| <input type="checkbox"/> Contract/Agreement | <input type="checkbox"/> Rent Board As Whole | |
| <input type="checkbox"/> Grant Application/Acceptance | <input type="checkbox"/> Claims Filed Against City of Richmond | |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Video/PowerPoint Presentation (contact KCRT @ 620.6759) | |

RECOMMENDED ACTION: APPROVE the minutes of the August 19, 2020, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

G-1.

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RICHMOND, CALIFORNIA, August 19, 2020

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

Due to the coronavirus (COVID-19) pandemic, Contra Costa County and Governor Gavin Newsom have issued multiple orders requiring sheltering in place, social distancing, and reduction of person-to-person contact. Accordingly, Governor Gavin Newsom has issued executive orders that allow cities to hold public meetings via teleconferencing.

Public comments were confined to items appeared on the agenda and were limited to the methods provided below. DUE TO THE SHELTER IN PLACE ORDERS, and consistent with Executive Order N29-20, the meeting utilized video/teleconferencing only. The following provides information on how the public participated in this meeting.

The public was able to view the meeting using Zoom at the following link:

<https://us02web.zoom.us/j/88065974646?pwd=WmpLNHJNVmNXMEdpNTU5bi9BM1lQUT09>

Password: rentboard

Or By Telephone:

US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or
+1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656

Webinar ID: 880 6597 4646

International numbers available:

<https://us02web.zoom.us/j/88065974646>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, August 19, 2020, to the Rent Board Clerk, Cynthia Shaw at cynthia_shaw@ci.richmond.ca.us, to be considered into the record.

PLEDGE TO THE FLAG

ROLL CALL

Boardmembers Present: Conner, Finlay, and Chair Maddock.

Staff Present: Staff Attorney Charles Oshinuga and Deputy Director Paige Roosa.

Absent: Vice Chair Gerould.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

On a motion of Boardmember Conner, seconded by Boardmember Finlay, a recommendation to move Item F-6 from the Consent Calendar for discussion before Item G-1 under Study and Action Session, passed by the following vote: **Ayes:** Boardmembers Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. Absent: Vice Chair Gerould.

PUBLIC FORUM

Cordell Hindler commented by email, expressing that he feels that the public should be able to return to the Rent Board meetings because the community has suffered through this shelter in place order. He also invited the Rent Board to the Contra Costa Mayors Conference on December third, hosted by the City of Lafayette in-person or virtual, depending on the COVID situation.

Jerry expressed concerns about the unfairness of raising the Rental Housing Fee this Fiscal Year. He feels that the Board needs to make better decisions to help Landlords. He also feels that Landlords need to keep their fees and rent high in order to protect their investments. He also feels that in some cases, the Board might think it is better to allow a lazy family member to move in rather than to go to market. He also encouraged Landlords to take extreme caution before renting their units. He also feels it is very important to be cautious, especially during this time, because of the lack of support from the Rent Board for Landlords. Lastly, he mentioned that the Rent Board should consider supporting Landlords because we are not sure of how the outcome will be after COVID.

RENT BOARD CONSENT CALENDAR

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

*F-1. Approve the minutes of the June 17, 2020, Regular Meeting of the Richmond Rent Board. *This item was continued from the July 15, 2020, meeting.*

*F-2. Approve the minutes of the July 15, 2020, Regular Meeting of the Richmond Rent Board.

*F-3. Receive letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100.

*F-4. Receive the July 2020 Rent Program Monthly Report.

*F-5. Received the Rent Program FY 2019-20 Monthly Revenue and Expenditure Report through July 2020.

STUDY AND ACTION SESSION

F-6. The matter to approve amendments to the contract for community legal services with Bay Area Legal Aid, increasing the contract amount by \$56,250 for Fiscal Year 2020-21, modifying the term to commence on October 1, 2020, through June 30, 2021, and revising the service plan in consideration of the ongoing COVID-19 pandemic and condensed contract term, was presented by Boardmember Conner. Boardmember Conner requested to remove this item from the Consent Calendar because she wanted clarification from staff on what the Board was being asked to approve. She mentioned that the Board had voted and approved extending this contract at the previous meeting and wanted to know if the contract terms were changing and if the contract amount was staying the same or if other changes had been made. Deputy Director Paige Roosa responded and confirmed that the Board had approved amendments to the contract term, specifically modifying the contract term to start in October through the Fiscal Year June 2021 and to add funds to the contract to allow Bay Area Legal Aid to be paid for the services rendered between October 2020 through June 2021. She also added that after the contract was approved, in communications with the contractor, it became apparent that the service plan performance metrics did not account for the condensed term of the contract. She also added that the

contractor also wanted to make additional amendments to the contract service plan in consideration of the COVID pandemic, to clarify in the contract that counseling sessions may be conducted remotely. She also added that rather than presenting these amendments as a separate item, staff combined all amendments at once to avoid confusion. She also added that what staff is requesting from the Board for this item is to acknowledge the changes to the service plan that the contractor requested. Boardmember Conner asked if the contract amount had been decreased in accordance with the modified service plan. Deputy Director Paige Roosa confirmed that since the contract has been shortened, the amount of the contract has been decreased proportionally to \$56,250. Boardmember Conner asked if Bay Area Legal Aid would be able to track the number of Landlords and Tenants assisted at the Bay Area Legal Aid clinics. Deputy Director Paige Roosa responded that at this time, they do not currently provide that information in their monthly reports, explaining that the service plan with Bay Area Legal Aid does not require them to provide that information. Boardmember Conner requested that staff include in future contracts the requirement for Bay Area Legal Aid to track the demographic information of people assisted at the clinics to ensure that they do provide services to low income Landlords as well, instead of it appearing as though assistance is only being provided to low income Tenants. Deputy Director Paige Roosa responded that she would reach out to the contractor and ask them to add demographic information to the reports moving forward. A motion by Boardmember Conner, seconded by Boardmember Finlay, to approve amendments to the contract for community legal services with Bay Area Legal Aid, increasing the contract amount by \$56,250 for Fiscal Year 2020-21, modifying the term to commence on October 1, 2020, through June 30, 2021, and revising the service plan in consideration of the ongoing COVID-19 pandemic and condensed contract term meeting, passed by the following vote: **Ayes:** Boardmembers Conner, Finlay, and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

G-1. The matter to receive a presentation containing an alternative proposal to revised Chapter 2 Regulations, concerning the process whereby property owners may seek an exemption or determination of inapplicability of a dwelling unit from the provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance and provide direction to staff, was presented by Deputy Director Paige Roosa. The presentation included a summary of alternative proposal, current Regulations 205 and 206, historic process for claims of exemption or

inapplicability, previously proposed process for claims of exemption or inapplicability, alternative proposed process for claims of exemption or inapplicability, proposed methods of investigation, and the recommended action. Discussion ensued. There were no public comments on this item. A motion by Chair Maddock, seconded by Boardmember Finlay, to receive a presentation containing an alternative proposal to revised Chapter 2 Regulations, concerning the process whereby property owners may seek an exemption or determination of inapplicability of a dwelling unit from the provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance and direct staff to prepare the Regulations as described in the alternative proposal, incorporating findings that staff would be required to make to approve claims of exemption or inapplicability, for the Board's review passed by the following vote: **Ayes:** Boardmembers Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

REGULATIONS

H-1. The matter to adopt revised Chapter 2 Regulations, concerning the process whereby property owners may seek an exemption or determination of inapplicability of a dwelling unit from the provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection was presented by Deputy Director Paige Roosa. The following individual requested to speak during public comment, but was not present: Jerry. Discussion ensued. A motion by Boardmember Conner, seconded by Boardmember Finlay, to not adopt the revised Chapter 2 Regulations as presented in this item, and instead direct staff to revise the Chapter 2 regulations in accordance with the alternative proposals discussed in Item G-1, passed by the following vote: **Ayes:** Boardmembers Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Gerould.

REPORTS OF OFFICERS

Deputy Director Paige Roosa gave a brief report that the City Council voted to extend their eviction and rent increase moratorium through September 30, 2020. She also gave a brief update about the upcoming Community Workshop Webinar titled "Navigating the Eviction Process in Richmond" that will be held on August 29, 2020. She also mentioned that members of the public could visit our website at www.richmondrent.org for more information about the current eviction and rent increase

moratorium as well as the schedule of Community Workshop Webinars.

Staff Attorney Charles Oshinuga notified the Board that in the future he will provide a summary to the Board of the California Legislative Bills and Policies that impact evictions and rent increases, especially during the COVID era, which are relevant to the services that the Rent Program provides. He added that this summary will be agendized and possibly placed on the Consent Calendar. He also mentioned that the Judicial Council had previously suspended the issuance of summons and complaints to Landlords to proceed with evictions to Tenants during COVID, but that they are now lifting that suspension as of September 1, 2020. Starting September 2, 2020, unless changed, Landlords will be able to obtain summons and complaints for an unlawful detainer for non-payment of rent and other causes for eviction in California, unless the City has a moratorium, like Richmond.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:47 P.M.

Cynthia Shaw and Mónica Bejarano
Staff Clerks

(SEAL)

Approved:

Lauren Maddock, Chair

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: October 21, 2020

Final Decision Date Deadline: October 21, 2020

STATEMENT OF THE ISSUE: The minutes of the September 16, 2020, Regular Meeting of the Richmond Rent Board require approval.

INDICATE APPROPRIATE BODY

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

ITEM

- | | | |
|---|--|--|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) | | |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Regulation | <input checked="" type="checkbox"/> Other: <u>CONSENT CALENDAR</u> |
| <input type="checkbox"/> Contract/Agreement | <input type="checkbox"/> Rent Board As Whole | |
| <input type="checkbox"/> Grant Application/Acceptance | <input type="checkbox"/> Claims Filed Against City of Richmond | |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Video/PowerPoint Presentation (contact KCRT @ 620.6759) | |

RECOMMENDED ACTION: APPROVE the minutes of the September 16, 2020, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

G-2.

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RICHMOND, CALIFORNIA, September 16, 2020

The Regular Meeting of the Richmond Rent Board was called to order at 5:01 P.M. via videoconference.

Due to the coronavirus (COVID-19) pandemic, Contra Costa County and Governor Gavin Newsom have issued multiple orders requiring sheltering in place, social distancing, and reduction of person-to-person contact. Accordingly, Governor Gavin Newsom has issued executive orders that allow cities to hold public meetings via teleconferencing.

Public comments were confined to items appeared on the agenda and were limited to the methods provided below. DUE TO THE SHELTER IN PLACE ORDERS, and consistent with Executive Order N29-20, the meeting utilized video/teleconferencing only. The following provides information on how the public participated in this meeting.

The public was able to view the meeting using Zoom at the following link:

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Password: rentboard

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+1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

Webinar ID: 870 2599 5341

International numbers available:

<https://us02web.zoom.us/j/kc53P5k3AY>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, September 16, 2020, to the Rent Board Clerk, Cynthia Shaw at cynthia_shaw@ci.richmond.ca.us, to be considered into the record.

PLEDGE TO THE FLAG

ROLL CALL

Boardmembers Present: Conner, Finlay, and Chair Maddock.

Staff Present: Staff Attorney Palomar Sanchez, Deputy Director Paige Roosa and Executive Director Nicolas Traylor.

Absent: Vice Chair Gerould and Staff Attorney Charles Oshinuga.

(Vice Chair Gerould present as of 6:10 P.M. and Staff Attorney Charles Oshinuga present as of 5:20 P.M.)

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

On a motion of Boardmember Conner, seconded by Chair Maddock, a recommendation to remove Item F-1, the Minutes of August 19, 2020, from the Consent Calendar, for correction of Boardmember Conner's last name, under the Item F-1 section and to be agendized for review on the October 21, 2020 meeting Agenda, under the Consent Calendar, passed by the following vote: **Ayes:** Boardmembers Conner, Finlay and Chair Maddock. **Noes:** None. **Abstentions:** None. Absent: Vice Chair Gerould.

PUBLIC FORUM

Cordell Hindler commented by email, expressing that he feels that the public should be able to return to Rent Board meetings because the Rent Board should be able to hear what the community has to say in person. He also invited the Rent Board to the Contra Costa Mayors Conference on December 3rd, hosted by the City of Lafayette in-person or virtual, depending on the COVID situation.

RENT BOARD CONSENT CALENDAR

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

*F-2. Receive the August 2020 Rent Program Monthly Report.

*F-3. Received the Rent Program FY 2019-20 Monthly Revenue and Expenditure Report through August 2020.

REGULATIONS

G-1. The matter to receive and consider adoption of proposed Owner Move-In Eviction Regulations 1009 and 1010 was presented by Executive Director Nicolas Traylor. The presentation included a statement of the issue and background, Rent Board policy direction question #1, addressing question #1 regarding Regulation 1009(C), Rent Board policy direction question #2, addressing policy question #2 regarding Regulation 1009 (B) 1 and 1009 (B) 2, Rent Board direction question #3, addressing policy question #3 regarding Regulation 1009 (C) 1, 1009 (C) 2, and 1009 (C) 3, Rent Board policy direction, Rent Board direction question #4, Rent Board policy direction question #5, address policy question #5 regarding Regulation 1010 (C) 6, Rent Board policy direction question #6, addressing policy question #6 regarding Regulation 1010 (C) 1 and C (5), Rent Board policy direction question #7, addressing policy question #7 regarding Regulation 1010 (C) 4, Rent Board policy direction question #8, addressing policy question #8 regarding Regulation 1010 (C) 4, Rent Board policy direction regarding question #9 and associated proposed Regulations, good faith requirements, and the recommended action. The following individuals gave public comments: Marilyn Langlois, Ilona Clark and Turner Newton. The Board discussed the proposed Regulations and gave the following direction to staff:

1009(B) 1: clarify language to include a Natural Person shall include Owner of a trust.

1009 (C) 4: clarify language regarding if any Landlord as defined by Richmond Municipal Code Section 11.100.050(a)(6) or enumerated relative already occupies one unit on a property, no eviction pursuant to Richmond Municipal Code Section 11.100.050(a)(6), may take place unless there is a demonstrated need for a Reasonable Accommodation based on a qualifying Disability as defined by Government Code Section 12955.3.

1009(D) 5: clarify language regarding Good Faith requirements.

1009(E) to clarify or remove section regarding failure to occupy the rental unit.

1010(C) 3: revise language regarding the change of address/contact information form to include shall contain a statement informing the Tenant that failure to update the Landlord and to remove and/or the Rent Program and add language that the Rent Program may facilitate an update of change of address between the displaced Tenant and Landlord.

1010(B) 2: to state that the Rent Program shall send a written courtesy reminder to a Landlord who submitted a notice of termination of tenancy.

1010(C): regarding continued occupancy certification, to revise the language and add other options for certification but to remove including but not limited to a copy of a valid California Driver's License or government issued for identification and provide clarification that after the Landlord has met the obligations can conduct another Owner Move-in on the property in the future.

Discussion ensued among Boardmembers and Staff regarding the rental rate of a unit after an owner move in, if the Tenant does not exercise the right to first right of refusal. The Board decided to table this discussion regarding the rental rate after an owner move-in, to allow Staff Attorney Charles Oshinuga to research further.

Boardmember Conner made a request for consideration that the Protected Status Claim by Tenant be included in the revised Regulations. This would include language that after the Tenant has received the notice that they intend to make that claim. Staff Attorney Charles Oshinuga and Executive Director Nicolas Traylor added that with the current owner move in form packet, there is a Tenant Assertion form template provided for completion by the Tenant to assert if they are in a protected status. With the agreement among Boardmembers, all directions provided to staff were approved and no formal action was taken.

REPORTS OF OFFICERS

Deputy Director Paige Roosa gave a brief report about the upcoming Community Workshop Webinar titled "How to File a Rent Decrease Petition" that will be held on September 26, 2020. She also mentioned that we have sent out the bulk of the invoices and very pleased with the collection rate, in terms of the fee and that we have collected more revenue earlier than in previous years.

She also added that we look to be in good shape to continue our operations throughout the year. She also acknowledged all of the Landlords for making their payments promptly and she mentioned that there are some Landlords who are working with staff for payment plans due to their financial circumstances, but by in large, we have seen a lot of compliance and very pleased with that and wanted to acknowledge everyone's efforts. Chair Maddock added that she was very pleased to see so many collection efforts early and that she understand that staff had to take extra efforts to get the invoices out, while working remotely, could be a challenge and that she appreciate that.

Staff Attorney Charles Oshinuga gave thanks to all of the Landlords who paid their invoices early. He also gave a brief report that he will provide a thorough presentation on State Law AB3088 at the October 21, 2020 Rent Board Meeting. He mentioned that this state law makes a series of changes to existing state laws that fixes some of the issues regarding statewide Rent Control, it addresses issues with home mortgage issues on the small homeowner's side, it creates some COVID relief for the Tenants and procedures for the Landlords. He also added that this law is very complicated and he has been trying to figure out ways to navigate it. He also added that he has been working with the City Attorney for some time as well as the Deputy Director and Executive Director on ways to disseminate the information the best way possible. He also added that it allows for better loan modifications for homeowners and extends the homeowners bill of rights, to Landlords who are owners of less than 4 units, it also creates relief for Tenants who have COVID related distress and financial issues, creates procedures for those Tenants to follow, in order for that debt not to be forgiven but protected under the Unlawful Detainer Law, so that the Tenant will not be evicted for that debt, it allows for landlords to collect that debt through small claims in an unlimited amount, and it also provides for Cities to create a grace period, not to exceed a year. He also added that we are trying to put something together for the public, in partnership with the non-profits in the City of Richmond. He also added that there is a CDC Fall Eviction Moratorium in place, but it does not apply to Richmond because of the State Law.

Executive Director Nicolas Traylor commended Billing and Registration staff for navigating the billing process and handling the invoices remotely, without coming into the office much. He also mentioned that the Housing Counselors have been receiving a very high volume of calls and emails from Landlords who are not collecting rent and Tenants who have been affected by the

pandemic and unable to pay rent. He also commended Housing Counselors for the hard work.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:20 P.M.

Cynthia Shaw and Mónica Bejarano
Staff Clerks

(SEAL)

Approved:

Lauren Maddock, Chair

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: October 21, 2020

Final Decision Date Deadline: October 21, 2020

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

INDICATE APPROPRIATE BODY

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

ITEM

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|---|--|--|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) | | |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Regulation | <input checked="" type="checkbox"/> Other: <u>CONSENT CALENDAR</u> |
| <input type="checkbox"/> Contract/Agreement | <input type="checkbox"/> Rent Board As Whole | |
| <input type="checkbox"/> Grant Application/Acceptance | <input type="checkbox"/> Claims Filed Against City of Richmond | |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Video/PowerPoint Presentation (contact KCRT @ 620.6759) | |

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

AGENDA ITEM NO:

G-3.

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Cynthia Shaw

From: Ilona Clark <in70clark@gmail.com>
Sent: Saturday, September 12, 2020 12:13 AM
To: Cynthia Shaw; Paige Roosa; Emma Gerould; Lauren Maddock; Nicolas Traylor; Rent Program; Paul Cohen; Virginia Finlay; Alana Conner
Subject: Owner-Move-in Proposed Regulations

To the members of the Rent Board,

I urge you to reject the proposed OMI regulations as written because they are not consistent with the direction you have given Rent Program Staff or with the community feedback they received.

For example:

1009. C. 1 and 2. limit one OMI except in case of Owner needing "Reasonable Accommodation" This is not per building or per owner (when property changes hands) or per century. This means one OMI eviction and that's it - EVER. *Packet page 409*

Staff policy direction per the Board was to allow anyone with 50% ownership to conduct OMI, not to limit OMI to one owner ever for and and all buildings involved. *Question 1, Packet page 407*

In your community outreach, all groups of owners and almost 40% of renters, agreed that 50% ownership should be the criteria in Q2 and Q4. *Packet page 69 and 71*. Furthermore, The question was not asked, once an OMI takes effect, should any owner be allowed to do another OMI ever? I'm sure, if it had, you would have gotten even more resounding an answer of Yes. and a discussion of timelines would have ensued.

Another example:

1009. D. 5. further prohibits OMI if a housing provider has "attempted" to evict anyone. *Packet page 430*

The same section makes it more difficult to do an OMI with renters paying low rent thus incentivizing charging high rents across the board. *Packet page 409*

1010. C. 1. dictates that housing providers must be ready to re-offer the unit to the displaced renter if the unit is "ever" re-rented. *Packet page 414*

Yet your community engagement surveys Q8 have 177 out of 193 respondents (including renters!) saying 0 to 5 years and almost none said more than 10 years. This question was not addressed in the policy direction discussions with the Board except to say "as long as the obligation exists" *Packet page 75*

1010.C.4. states "...maintain the Tenant's contact information until a time of which the Tenant's right of first refusal has either vested or been extinguished." There is no definition of what it means to "vest" *Packet page 414*

These regulations must include a provision for "sabbatical" leases in SFRs so that owners can return without paying the relocation fee or be convicted of and OMI eviction and subject to this regulation. When owners want or need to leave to care for sick family members or assist with child care or follow a temporary job assignment, they need to be able to return to their homes at the end of those periods. Otherwise, these units will remain empty or owners will find a way around your regulations. Renters lose housing and you lose business.

Given that there have been fewer than 50 OMI evictions since this Rent Program started tracking at the beginning of 2017, Few than 50 among thousands of units over more than 2 years; There is no rush to do this wrong. Please re-think the regulations and do it right, for the sake of renters as well and housing providers and for the sake of your own credibility as public servants.

Ilona Clark
AURNP.org

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Richmond Can Do Better!

Cynthia Shaw

From: Tally Craig <tallycraig4aca@gmail.com>
Sent: Saturday, September 12, 2020 6:02 PM
To: Cynthia Shaw; Paige Roosa; Emma Gerould; Lauren Maddock; Nicolas Traylor; Rent Program; Paul Cohen; Virginia Finlay; Alana Conner
Cc: Ilona Clark
Subject: Fwd: Owner-Move-in Proposed Regulations

Dear Rent Board,

I am in my 70s, with no family in Richmond. I love it here and care about my city and community. Your proposal would wreak havoc on my future. The fires and pandemic have made me realize that moving closer to my family for a period of time could be the best option for me. I would need to rent or sell my house in order to do this. If your proposal is adopted, I would have no choice but to sell my house and never return -- a chilling prospect. Your proposal would limit my ability to sell, because the rent restrictions in Richmond are so stiff that potential "mom and pop" landlords could not run the risk.

Ilona Clark's comments are thoughtful and well-analysed. I thank her for calling my attention to this proposal.

Please take the long view -- listen to homeowners, listen to tenants, do the homework instead of instituting more restrictions that will hurt tenants and owners alike.

Thank you,
Tally Craig
5614 Huntington Ave.

On Sat, Sep 12, 2020 at 12:11 AM Ilona Clark <in70clark@gmail.com> wrote:

To the members of the Rent Board,

I urge you to reject the proposed OMI regulations as written because they are not consistent with the direction you have given Rent Program Staff or with the community feedback they received.

For example:

1009. C. 1 and 2. limit one OMI except in case of Owner needing "Reasonable Accommodation" This is not per building or per owner (when property changes hands) or per century. This means one OMI eviction and that's it - EVER. *Packet page 409*

Staff policy direction per the Board was to allow anyone with 50% ownership to conduct OMI, not to limit OMI to one owner ever for and and all buildings involved. *Question 1, Packet page 407*

In your community outreach, all groups of owners and almost 40% of renters, agreed that 50% ownership should be the criteria in Q2 and Q4. *Packet page 69 and 71*. Furthermore, The question was not asked, once an OMI takes effect, should any owner be allowed to do another OMI ever? I'm sure, if it had, you would have gotten even more resounding an answer of Yes. and a discussion of timelines would have ensued.

Another example:

1009. D. 5. further prohibits OMI if a housing provider has "attempted" to evict anyone. *Packet page 430*

The same section makes it more difficult to do an OMI with renters paying low rent thus incentivizing charging high rents across the board. *Packet page 409*

1010. C. 1. dictates that housing providers must be ready to re-offer the unit to the displaced renter if the unit is "ever" re-rented. *Packet page 414*

Yet your community engagement surveys Q8 have 177 out of 193 respondents (including renters!) saying 0 to 5 years and almost none said more than 10 years. This question was not addressed in the policy direction discussions with the Board except to say "as long as the obligation exists" *Packet page 75*

1010.C.4. states "...maintain the Tenant's contact information until a time of which the Tenant's right of first refusal has either vested or been extinguished." There is no definition of what it means to "vest" *Packet page 414*

These regulations must include a provision for "sabbatical" leases in SFRs so that owners can return without paying the relocation fee or be convicted of an OMI eviction and subject to this regulation. When owners want or need to leave to care for sick family members or assist with child care or follow a temporary job assignment, they need to be able to return to their homes at the end of those periods. Otherwise, these units will remain empty or owners will find a way around your regulations. Renters lose housing and you lose business.

Given that there have been fewer than 50 OMI evictions since this Rent Program started tracking at the beginning of 2017, Few than 50 among thousands of units over more than 2 years; There is no rush to do this wrong. Please re-think the regulations and do it right, for the sake of renters as well and housing providers and for the sake of your own credibility as public servants.

Ilona Clark
AURNP.org

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You received this message because you are subscribed to the Google Groups "AURHP" group.

To unsubscribe from this group and stop receiving emails from it, send an email to

aurhpinfo+unsubscribe@googlegroups.com.

To view this discussion on the web visit

<https://groups.google.com/d/msgid/aurhpinfo/CAGSztMV8FetCAV1fSAAdeiA%2BWQiuUgiw%2BhxbpBmKwy1divycOrg%40mail.gmail.com>.

Cynthia Shaw

From: Ilona Clark <in70clark@gmail.com>
Sent: Tuesday, September 22, 2020 5:00 PM
To: Cynthia Shaw; Paige Roosa; Alana Conner; Emma Gerould; Lauren Maddock; Nicolas Traylor; Rent Program; Paul Cohen; Virginia Finlay; Ben Choi; City Clerk Dept; Demnlus Johnson III; Eduardo Martinez; Nat Bates; Tom Butt - external; Trina Jackson

To the Richmond Rent Board and Staff,

The present draft of OMI (owner move-in) regulations is missing a crucial piece.
per Measure L:

"R.M.C. 11.100.040 (a) (1) Temporary Rentals Allowed. A homeowner who is the Primary Resident of a single-family home may create a temporary tenancy. The temporary Tenant must be provided, in writing at the inception of the tenancy, the length of the tenancy and a statement that the tenancy maybe(sic) terminated at the end of the temporary tenancy (pursuant to Section 11.100.050 (8) below) (sic) and relocation shall not be required."

This means owners can return to their homes without paying the relocation fee. When owners want or need to leave to care for sick family members, assist with child care, follow a temporary job assignment or join the armed forces, they need to be able to return to their homes at the end of those periods without penalty. The authors of measure L recognized this need and made it part of the homeowners protections that voters supported in 2016.

This exemption makes clear that the intent of Measure L and the voters was to protect Richmond residents who own properties and live in them. Measure L also does not prohibit or discourage similar exceptions in OMI regulations.

Please direct staff to add language exempting homeowners of all types of properties from all OMI regulations. Single Family Homes are not the only places that are truly homes to their owners. Many property owners bought a multi-unit building because they could not afford to pay a mortgage by themselves and needed the assistance that rental income would give them. Whether an owner is moving back into a unit or a house, they should have the same rights and protections. These residences should also be exempted from relocation and OMI regulations.

We strongly urge you to exempt all owner-occupied units from all OMI regulations.

Ilona Clark, RN
AURHP.org

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Richmond Can Do Better!

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9/21/20

HERITAGE PARK HILLTOP RESIDENTS TO RENT CONTRAL BOARD

Why have part of our rental unit being denied to the people that it was meant for their use.

Not only did management lock the whole cooling center from the residents...

But they locked the restrooms, and made then their restrooms for their private use.

The rest rooms are by the mail boxes for a reason.

102 degrees air condition going full blast In the office, while residents have suffer in the heat, while there is a air condition place for them to go to get out of heat.

They paid in their rent to avoid the discomfort of this weather.

All this under the disguise of the virus.(Making up rules to enhance their profits.)

WE have residents doors kicked in while the residents were inside their home at the time. Autos broken into parts stripped while on this property, plus autos stolen off this property.

Residents that's lived her ten, fifteen ago have stated things like they are now was never present until 5 years ago. Some resident have complained that one have to get on ones knees just to get a light bulb replaced.

Some of the residents know people the live in residences like the one here they don't have the problems that we have on our community. This says we need another company to manager this property. If we don't get a change here someone is going to get seriously injured, or worst.

What haven't been said here, some of the residents have lived 50 years before they present management even was born. And act if we are naïve as some ten years old. How many of the communities that you have with the majority is non black being treated like the residents at Heritage Park...

One final note, we have very high smoke in this area for weeks now but the COMMUNITY ROOM for weeks now, and the only place that we could get relief have been locked from us the very same people that need it at this time.

SENIOR CITIZEN LIVES MATTER...

Cynthia Shaw

From: Angela Xu <hcya001@hotmail.com>
Sent: Friday, September 25, 2020 10:34 AM
To: Cynthia Shaw; Nicolas Traylor; Paige Roosa; aconner@richmondrent.org; egerould@richmondrent.org; lmaddock@richmondrent.org; vfinlay@richmondrent.org; Ben Choi; info@demnlus.com; Eduardo Martinez; Melvin Willis; Nat Bates; Tom Butt - external; Trina Jackson; Jael Myrick; City Clerk Dept
Subject: OMI Regulations

To the Richmond Rent Board and Staff,

I am the resident of our city, I have been living here for over a decade, we are raising up our child, I had the moment to move because it has "RICHMOND" the name which we think our child deserve better....

Well, it changed my mind is we see the improvement of the city from all kinds of aspects, It's getting better and better of the neighborhood safety issue and economy boosting, We decide to stay and remodel our home, but come to one of my thoughts is Rent Control since I am a Real Estate professional, and I know too much about it, It has been a big interference to the smaller scale investors, i can say there are 5% bad apple landlords in the market but majority of the landlords are following the rules to manage their business.

Please keep the RC regulations to be more calmful and don't scare away those home owners who intend to invest and those people will make Richmond greater and greater. Also I witness too many tenants are taking the advantages of rental law by not paying the rent, lots of landlords can not afford to pay monthly mortgage and fees and property tax since they don't have rent, right now one of my friends who is suffering a tenant not paying rent for 5 months, that's her only rental property, she is thinking to sell it and get out of the market.

There is one reason Richmond is getting better and I think all of you knows it well, whoever runs in Real Estate and they all know it, Severely RC will kill this market, it turns out human interference but not a free market economy, I am not a fan of socialism since i came from that country, I wish our country and state to be a real "freedom" to home owners and tenants.

Please don't kill a chicken who is laying eggs!!!

Regarding the present draft of OMI (owner move-in) regulations is missing a crucial piece.
per Measure L:

"R.M.C. 11.100.040 (a) (1) Temporary Rentals Allowed. A homeowner who is the Primary Resident of a single-family home may create a temporary tenancy. The temporary Tenant must be provided, in writing at the inception of the tenancy, the length of the tenancy and a statement that the tenancy maybe(sic) terminated at the end of the temporary tenancy (pursuant to Section 11.100.050 (8) below) (sic) and relocation shall not be required."

This means owners can return to their homes without paying the relocation fee. When owners want or need to leave to care for sick family members, assist with child care, follow a temporary job assignment or join the armed forces, they need to be able to return to their homes at the end of those periods without penalty. The authors of measure L recognized this need and made it part of the homeowners protections that voters supported in 2016.

This exemption makes clear that the intent of Measure L and the voters was to protect Richmond residents who own properties and live in them. Measure L also does not prohibit or discourage similar exceptions in OMI regulations.

Please direct staff to add language exempting homeowners of all types of properties from all OMI regulations. Single Family Homes are not the only places that are truly homes to their owners. Many property owners bought a multi-unit building because they could not afford to pay a mortgage by themselves and needed the assistance that rental income

would give them. Whether an owner is moving back into a unit or a house, they should have the same rights and protections. These residences should also be exempted from relocation and OMI regulations.

We strongly urge you to exempt all owner-occupied units from all OMI regulations.

Warmly,

Angela Xu

COMPASS

Broker Associate

MBA | DRE#:01981330

Cell/text: 510.621.8100

Residential and Commercial

Warning

To the Rent control board.

We have a very serious fire hazard in C building. There is but one set of double doors to escape if fire were to start in the south first floor. There will be about 5 wheel chairs trying to exit at the same time through one pedestrian door.

Would you at least send the fire department up here to evaluate this condition.

We don't need another hotel fire like the one in Oakland Ca. Broken gates and entrance doors is one thing but a fire where residents can't escape ?.

A residents of C building.

Heritage Park Hill Top;

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: October 21, 2020

Final Decision Date Deadline: October 21, 2020

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

- | | | | | |
|---|---|--|--|---|
| <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 the September 2020 Rent Program Monthly Report - Rent Program (Paige Roosa 620-6537).

AGENDA ITEM NO:

G-4.

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M E M O R A N D U M

TO: Executive Director Traylor and Members of the Rent Board

FROM: Paige Roosa, Deputy Director

DATE: October 21, 2020

SUBJECT: SEPTEMBER 2020 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).

September Agency Highlights

The month of September was an unconventional month for the Rent Program team and the nation in light of the COVID-19 pandemic. All Rent Program staff members continue to carry out the bulk of job functions remotely, which presents us with both challenges and opportunities. The content below highlights our activities for the month.

Billing and Registration Unit staff members collected over \$930,000 in Rental Housing Fee revenue.

Staff members in the Billing & Registration Unit worked tirelessly in the month of September to respond to questions from and assist Landlords with payment of the Rental Housing Fee. As a result of their efforts, the Program was able to collect over \$930,000 during the month. This revenue represents approximately one-third of the total revenue necessary to support the Program's Fiscal Year 2020-21 budget. In recognition of the financial challenges faced by many Landlords during the COVID-19 pandemic, staff members worked with nine Landlords to create payment plans tailored to their unique circumstances. We anticipate that such efforts will continue to be necessary as the financial impacts of the COVID-19 pandemic continue to be felt in Richmond and the nation.

Staff members continued to work with community partners to further the Rent Assistance Program for Displacement and Homelessness Prevention, an initiative of the larger Richmond Rapid Response Fund.

The Richmond Rapid Response Fund (R3F) is a wraparound initiative that will meet the immediate and ongoing needs of the community during the COVID-19 pandemic and beyond. A core focus of the R3F is providing resources to address housing and homelessness. The Rent Assistance Program for Displacement and Homelessness Prevention will provide



ITEM G-4

grants to Richmond households who have been financially impacted by the COVID-19 pandemic. Throughout the month of September, Executive Director Nicolas Traylor and I met with leaders from the City and partner agencies, including the Richmond Community Foundation, Richmond Community Housing Development Corporation, Richmond Neighborhood Housing Services, and the Richmond SparkPoint office to continue development of the Rent Assistance Program, which we hope to launch by the end of the year. To spread the word about the R3F across the Richmond community, we also participated in a social media campaign led by the core R3F team to raise awareness about and solicit donations to the Richmond Rapid Response Fund (R3F).

To learn more about the R3F, or to make a donation, please visit www.richmondresponsefund.org.

Public Information Unit staff members hosted a community workshop webinar to inform Tenants about the Rent Adjustment Petition process.

The September Community Workshop, titled “How to File a Rent Decrease Petition” was hosted via Zoom Webinar to comply with State and local mandates prohibiting social gatherings. Rent Program Staff Attorney Palomar Sanchez conducted this month’s workshop and discussed



**Richmond Rent Program
Community Workshop Webinar:
How to File a Rent Decrease Petition**



**Saturday, September 26, 2020
10:00 AM-12:00 PM**

Pre-Register at the link below:
<https://bit.ly/3keSdvN>

For more information visit:
www.richmondrent.org/workshops

(510) 234-RENT (7368) | rent@ci.richmond.ca.us
  @richmond_rent_program

pertinent topics such as the City’s moratorium on certain types of evictions, petitions due to excess rent overcharges, petitions due to a reduction in space, services, and habitability, as well as how to file a petition and an overview of the petition process. A total of 11 participants joined the webinar. Following the presentation, attendees were provided an opportunity to ask questions of staff using the Zoom Webinar “Q&A” feature. We look forward to continuing to host workshops utilizing videoconferencing technology for future Community Workshops. Presentation materials, including a recording of the presentation, are accessible at <http://www.ci.richmond.ca.us/3541/Workshops>.

Public Information Unit staff members shared a series of social media posts to educate the community about Just Cause for Eviction and Evictions in Richmond.

Public Information Unit staff members continued their efforts to educate the community through the use of Facebook and Instagram platforms throughout the month of September. To that end, staff developed an eight-part series that included simple and condensed information to help the community understand Just Cause Evictions under the Richmond Rent Ordinance. The series covered specific topics such as “At Fault” Evictions under the Richmond Rent Ordinance, including Failure to Pay Rent, and “No Fault” Evictions Under the Richmond Rent Ordinance, such as Owner Move-Ins, as well as Frequently Asked Questions and Tips for both Tenants and Landlords. The posts informed community members about their rights and responsibilities under the Rent Ordinance. By the end of the month, we had gained **10 additional followers on Instagram and 2 additional followers on Facebook**. We continue to promote posts and “tag” other local organizations in Richmond to expand our outreach efforts and engage followers.

Summary of ActivitiesI. Department Unit Activities

PUBLIC INFORMATION UNIT	<i>Current Month Occurrences</i>	<i>Prior Year Occurrences (September 2019)</i>	<i>% Change from Prior Year (September 2019)</i>
Persons Assisted By Front Office Unit (without referral to an Analyst)	172	95	81.1%
Total Consultations Provided by a Rent Program Services Analyst	562	342	64.3%
Calls Received (Phone Counseling Sessions)	224		
Emails Received	135		
Walk-Ins (includes appointments)	0		
Total Consultations Provided in a Language other than English	135	42	221.4%
Consultations Provided in Spanish	135		
Consultations Provided in Cantonese	0		
Consultations Provided in Another Language (Mandarin)	0		
Legal Service Referral Forms Completed	15	6	150.0%
Courtesy Compliance Letters Mailed	8	10	-20.0%
Community Workshop Webinar Attendees (09/26/2020) How to File a Rent Decrease Petition	11	14	-21.4%
Total Hard Copy Notices Processed	48	69	-30.4%
Hard Copy Rent Increase Notices Processed	22		
Hard Copy Termination of Tenancy Notices Processed	26		

BILLING AND REGISTRATION UNIT	<i>Current Month Occurrences</i>	<i>Prior Year Occurrences (September 2019)</i>	<i>% Change from Prior Year (September 2019)</i>
Total Consultations with a Billing and Registration Unit Staff Member	149	108	37.9%
Phone Call Consultations	76		
Email Consultations	73		
Walk-In Consultations	0		
Enrollment/Tenancy Registration Packets Mailed	4	203	-98.0%
Enrollment Forms Processed	9	107	-91.6%

ITEM G-4

BILLING AND REGISTRATION UNIT (continued)	Current Month Occurrences	Prior Year Occurrences (September 2019)	% Change from Prior Year (September 2019)
Invoices Generated	672	5,146	-86.9%
Payments/Checks Processed	1,084	608	78.3%
Payment Plans Issued	9	0	N/A
Property Information Updated	55	89	-38.2%
Declarations of Exemption Processed	7	45	-84.4%
Applications for Administrative Determination of Applicability Received	20	N/A	N/A
Administrative Determinations of Applicability Issued	4	N/A	N/A
Payments Returned	3	2	50.0%
Total Monthly Revenue Collected (09/01/2020 - 09/30/2020)	\$932,668	\$763,258	22.2%
Total Revenue Collected in FY 2020-21 (through 09/30/2020)	\$1,858,511	\$855,727	117.2%

LEGAL UNIT	Current Month Occurrences	Prior Year Occurrences (September 2019)	% Change from Prior Year (September 2019)
Public Records Act Requests Received	0	2	-100.0%
Owner Move-In Termination Notices Reviewed	0	2	-100.0%

HEARINGS UNIT	Current Month Occurrence s	Prior Year Occurrences (September 2019)	% Change from Prior Year (September 2019)
Total Consultations with Hearings Unit Coordinator	81	72	12.5%
Calls/Placed Received (Regarding Hearings and Petitions)	22		
Emails Sent/Received (Regarding Hearings and Petitions)	59		
Walk-Ins Received (Regarding Hearings and Petitions)	0		
Total Landlord Petitions Received	1	2	-50.0%
Request for Administrative Determination of Exempt Status Received	1		
Total Tenant Petitions Received	2	5	-60.0%

ITEM G-4

HEARINGS UNIT (continued)	<i>Current Month Occurrences</i>	<i>Prior Year Occurrences (September 2019)</i>	<i>% Change from Prior Year (September 2019)</i>
Tenant Petitions Based on Excess Rent or Failure to Return Security Deposit Received	2		
Total "Other" Petitions Received	1	0	100.0%
Subpoenas Received	1		
Total Number of Pending Petition Cases (<i>"Pending Petition Cases" are defined as those awaiting an objection response, a decision is pending, a decision has been issued with an appeal deadline approaching, or where an upcoming hearing has been scheduled</i>)	16	12	33.3%
Pending Tenant Petitions (As of October 7, 2020)	12		
Pending Landlord Petitions (As of October 7, 2020)	4		
Total Number of Cases Closed	1	9	-88.9%
Cases Settled	1		
Appeals Received	1	1	0.0%

II. Online Notices Filed with the Rent Program

<i>Type of Form</i>	<i>Monthly Submissions/ Notices Filed</i>	<i>Prior Year Total (September 2019)</i>	<i>% Change from Prior Year (September 2019)</i>
Change in Terms of Tenancy Notices Filed	25	6	75%
Rent Increase Notices Filed	59	249	-76.3%
Termination Notices Filed ¹	8	201	-96%
<i>Applicable Just Cause for Eviction – Nonpayment of Rent</i>	5	196	-97.4%
<i>Applicable Just Cause for Eviction – Breach of Lease</i>	1	2	-50%
<i>Applicable Just Cause for Eviction- Nuisance/ Failure to Give Access</i>	2	1	100%
<i>Applicable Just Cause for Eviction – Owner Move In</i>	0	2	N/A
Total Online Form Submissions	92	456	-79.8%

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: October 21, 2020

Final Decision Date Deadline: October 21, 2020

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

INDICATE APPROPRIATE BODY

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

ITEM

- | | | |
|---|--|--|
| <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 September 2020 – Rent Program (Paige Roosa 620-6537).

AGENDA ITEM NO:

G-5.

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Rent Program
FY2020-21 Monthly Revenue and Expenditure Report

ITEM G-5

CHARACTER	OBJECT	ORIGINAL BUDGET	REVISED BUDGET	Per 1	Per 2	Per 3	Per 4	Per 5	Per 6	Per 7	Per 8	Per 9	Per 10	Per 11	Per 12	ENCUMBRANCES	YTD TOTAL	AVAILABLE BUDGET	% USED	
				Jul-2020	Aug-2020	Sept-2020	Oct-2020	Nov-2020	Dec-2020	Jan-2021	Feb-2021	Mar-2021	Apr-2021	May-2021	June-2021					
34	LICENSES, PRMITS&FEES	340445	Rental Housing Fees	(2,609,056.00)	(2,609,056.00)	(210,035.00)	(715,808.00)	(932,667.60)	-	-	-	-	-	-	-	-	(1,858,510.60)	(750,545.40)	71.2%	
			TOTAL LICENSES, PRMITS&FEES	(2,609,056.00)	(2,609,056.00)	(210,035.00)	(715,808.00)	(932,667.60)	-	-	-	-	-	-	-	-	(1,858,510.60)	(750,545.40)	71.2%	
36	INTEREST INCOME	361701	Interest	-	-	(7,785.37)	-	-	-	-	-	-	-	-	-	-	(7,785.37)	7,785.37	100.0%	
			TOTAL INTEREST INCOME	-	-	(7,785.37)	-	-	-	-	-	-	-	-	-	-	(7,785.37)	7,785.37	100.0%	
	OTHER REV/Bad Debt Recovery	364867	Revenue from Collections Agency	-	-	(7,785.37)	(2,540.28)	-	-	-	-	-	-	-	-	-	(10,325.65)	10,325.65	100.0%	
			TOTAL OTHER REVENUE	-	-	(7,785.37)	(2,540.28)	-	-	-	-	-	-	-	-	-	(10,325.65)	10,325.65	100.0%	
			TOTAL REVENUE	(2,609,056.00)	(2,609,056.00)	(217,820.37)	(715,808.00)	(932,667.60)	-	-	-	-	-	-	-	-	-	(1,866,295.97)	(742,760.03)	71.5%
40	SALARIES AND WAGES	400001	SALARIES & WAGES/Executive	667,048.00	667,048.00	55,587.34	55,587.34	55,587.34	-	-	-	-	-	-	-	-	166,762.02	500,285.98	25.0%	
40	SALARIES AND WAGES	400002	SALARIES & WAGES/Mgmt-Local 21	303,316.00	303,316.00	15,501.88	13,501.88	13,501.88	-	-	-	-	-	-	-	-	42,505.64	260,810.36	14.0%	
40	SALARIES AND WAGES	400003	SALARIES & WAGES/Local 1021	195,857.00	195,857.00	15,832.70	15,832.70	15,832.70	-	-	-	-	-	-	-	-	47,498.10	148,358.90	24.3%	
40	SALARIES AND WAGES	400006	SALARIES & WAGES/PT- Temp	43,036.00	43,036.00	1,712.36	1,148.41	2,501.88	-	-	-	-	-	-	-	-	5,362.65	37,673.35	100.0%	
40	SALARIES AND WAGES	400031	OVERTIME/General	6,000.00	6,000.00	-	-	264.88	-	-	-	-	-	-	-	-	264.88	5,735.12	100.0%	
40	SALARIES AND WAGES	400048	OTHER PAY/Bilingual Pay	9,402.00	9,402.00	773.68	854.23	827.38	-	-	-	-	-	-	-	-	2,455.29	6,946.71	26.1%	
40	SALARIES AND WAGES	400049	OTHER PAY/Auto Allowance	4,200.00	4,200.00	350.00	350.00	350.00	-	-	-	-	-	-	-	-	1,050.00	3,150.00	25.0%	
40	SALARIES AND WAGES	400050	OTHER PAY/Medical- in Lieu of	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	#DIV/0!	
40	SALARIES AND WAGES	400079	COMP ABSENCES/WC-Prof-Mgt-Tec	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100.0%	
			TOTAL SALARIES AND WAGES	1,228,859.00	1,228,859.00	89,757.96	87,274.56	88,866.06	-	-	-	-	-	-	-	-	-	265,898.58	962,960.42	21.6%
41	FRINGE BENEFITS	400103	P-ROLL BEN/Medicare Tax-ER Shr	16,122.00	16,122.00	1,304.81	1,268.80	1,313.62	-	-	-	-	-	-	-	-	3,887.23	12,234.77	24.1%	
41	FRINGE BENEFITS	400105	P-ROLL BEN/Health Insurance Be	148,142.00	148,142.00	10,441.39	10,441.39	10,441.39	-	-	-	-	-	-	-	-	31,324.17	116,817.83	21.1%	
41	FRINGE BENEFITS	400106	P-ROLL BEN/Dental Insurance	16,258.00	16,258.00	1,217.00	1,217.00	1,217.00	-	-	-	-	-	-	-	-	3,651.00	12,607.00	22.5%	
41	FRINGE BENEFITS	400109	P-ROLL BEN/Employee Assistance	484.00	484.00	36.40	36.40	36.40	-	-	-	-	-	-	-	-	109.20	374.80	22.6%	
41	FRINGE BENEFITS	400110	P-ROLL BEN/Professional Dev-Mg	6,000.00	6,000.00	-	-	-	-	-	-	-	-	-	-	-	-	6,000.00	0.0%	
41	FRINGE BENEFITS	400111	P-ROLL BEN/Vision	2,123.00	2,123.00	161.00	161.00	161.00	-	-	-	-	-	-	-	-	483.00	1,640.00	22.8%	
41	FRINGE BENEFITS	400112	P-ROLL BEN/Life Insurance	3,717.00	3,717.00	291.40	291.40	291.40	-	-	-	-	-	-	-	-	874.20	2,842.80	23.5%	
41	FRINGE BENEFITS	400114	P-ROLL BEN/Long Term Disabilit	11,132.00	11,132.00	788.51	790.93	790.93	-	-	-	-	-	-	-	-	2,370.37	8,761.63	21.3%	
41	FRINGE BENEFITS	400116	P-ROLL BEN/Unemployment Ins	5,016.00	5,016.00	456.00	456.00	418.00	-	-	-	-	-	-	-	-	1,330.00	3,686.00	26.5%	
41	FRINGE BENEFITS	400117	P-ROLL BEN/Personal/Prof Dev	2,250.00	2,250.00	-	-	1,500.00	-	-	-	-	-	-	-	-	1,500.00	750.00	66.7%	
41	FRINGE BENEFITS	400121	P-ROLL BEN/Worker Comp-Clerica	14,330.00	14,330.00	1,330.40	1,267.57	1,418.35	-	-	-	-	-	-	-	-	4,016.32	10,313.68	28.0%	
41	FRINGE BENEFITS	400122	P-ROLL BEN/Worker Comp-Prof	80,557.00	80,557.00	6,224.94	6,224.94	6,224.94	-	-	-	-	-	-	-	-	18,674.82	61,882.18	23.2%	
41	FRINGE BENEFITS	400124	P-ROLL BEN/CON-MEDICL EE Share	(10,500.00)	(10,500.00)	-	-	-	-	-	-	-	-	-	-	-	-	(10,500.00)	0.0%	
41	FRINGE BENEFITS	400127	P-ROLL BEN/OPEB	44,703.00	44,703.00	3,550.81	3,527.68	3,584.03	-	-	-	-	-	-	-	-	10,662.52	34,040.48	23.9%	
41	FRINGE BENEFITS	400130	P-ROLL BEN/PARS Benefits	-	-	0.80	0.80	0.53	-	-	-	-	-	-	-	-	2.13	(2.13)	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	147,443.00	147,443.00	11,723.63	11,657.01	11,839.56	-	-	-	-	-	-	-	-	35,220.20	112,222.80	23.9%	
41	FRINGE BENEFITS	400151	P-ROLL BEN/PERS-Misc (UAL)	223,322.00	223,322.00	21,460.45	19,509.50	21,460.45	-	-	-	-	-	-	-	-	62,430.40	160,891.60	28.0%	
			TOTAL FRINGE BENEFITS	701,499.00	701,499.00	58,997.54	56,850.42	60,697.60	-	-	-	-	-	-	-	-	-	176,535.56	524,963.44	25.2%
42	PROF & ADMIN SERVICES	400201	PROF SVCS/Professional Svcs	17,500.00	17,500.00	50.63	762.75	899.63	-	-	-	-	-	-	-	-	-	-	#DIV/0!	
42	PROF & ADMIN SERVICES	400206	PROF SVCS/Legal Serv Cost	210,000.00	210,000.00	-	-	-	-	-	-	-	-	-	-	-	11,690.15	13,403.16	76.6%	
42	PROF & ADMIN SERVICES	400242	TRAVEL & TRNG/Mileage	204.00	204.00	-	-	-	-	-	-	-	-	-	-	-	149,994.00	60,006.00	71.4%	
42	PROF & ADMIN SERVICES	400243	TRAVEL & TRNG/Conf, Mtng Trng	1,224.00	1,224.00	-	-	-	-	-	-	-	-	-	-	-	-	204.00	0.0%	
42	PROF & ADMIN SERVICES	400245	TRAVEL & TRNG/Tuition Rmb/Cer	1,500.00	1,500.00	-	-	-	-	-	-	-	-	-	-	-	-	1,224.00	0.0%	
42	PROF & ADMIN SERVICES	400261	DUES & PUB/Memberships & Dues	800.00	800.00	-	-	-	-	-	-	-	-	-	-	-	-	1,500.00	100.0%	
42	PROF & ADMIN SERVICES	400262	DUES & PUB/Books & Subs	1,650.00	1,650.00	-	-	-	-	-	-	-	-	-	-	-	-	800.00	0.0%	
42	PROF & ADMIN SERVICES	400271	AD & PROMO/Advertising&Promo	200.00	200.00	-	-	279.66	-	-	-	-	-	-	-	-	279.66	(79.66)	139.8%	
42	PROF & ADMIN SERVICES	400272	AD & PROMO/Community Events	3,513.00	3,513.00	-	-	-	-	-	-	-	-	-	-	-	-	1,650.00	0.0%	
42	PROF & ADMIN SERVICES	400280	ADM EXP/Program Supplies	3,525.00	3,525.00	-	-	291.96	-	-	-	-	-	-	-	-	291.96	3,233.04	100.0%	
			TOTAL PROF & ADMIN SERVICES	240,116.00	240,116.00	50.63	762.75	1,471.25	-	-	-	-	-	-	-	-	161,684.15	163,968.78	68.3%	
43	OTHER OPERATING	400231	OFF EXP/Postage & Mailing	25,432.00	25,432.00	-	-	3,063.35	-	-	-	-	-	-	-	-	-	3,063.35	22,368.65	12.0%
43	OTHER OPERATING	400232	OFF EXP/Printing & Binding	27,181.00	27,181.00	-	-	-	-	-	-	-	-	-	-	-	-	1,326.46	25,854.54	100.0%
43	OTHER OPERATING	400233	OFF EXP/Copying & Duplicating	-	-	-	-	235.94	-	-	-	-	-	-	-	-	-	-	(235.94)	#DIV/0!
43	OTHER OPERATING	400304	RENTAL EXP/Equipment Rental	8,000.00	8,000.00	-	185.73	-	-	-	-	-	-	-	-	-	5,043.07	5,228.90	65.4%	
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	2,925.00	2,925.00	-	-	-	-	-	-	-	-	-	-	-	-	2,925.00	0.0%	
43	OTHER OPERATING	400341	OFF SUPP/Office Supplies	6,795.00	6,795.00	-	-	1,095.54	-	-	-	-	-	-	-	-	1,095.54	5,699.46	16.1%	
43	OTHER OPERATING	400344	OFF SUPP/Computer Supplies	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0.0%	
			TOTAL OTHER OPERATING	73,333.00	73,333.00	-	185.73	5,721.29	-	-	-	-	-	-	-	-	5,043.07	10,950.09	62,382.91	14.9%
44	UTILITIES	400401	UTILITIES/Tel & Telegraph	284.00	284.00	-	-	-	-	-	-	-	-	-	-	-	-	284.00	0.0%	
			TOTAL UTILITIES	284.00	284.00	-	-	-	-	-	-	-	-	-	-	-	-	284.00	0.0%	
46	PROVISION FOR INS LOSS	400552	PROV FR INS LOSS/Ins Gen Liab	8,865.00	8,865.00	-	-	7,915.00	-	-	-	-	-	-	-	-	35.00	7,950.00	915.00	89.7%
			TOTAL PROVISION FOR INS LOSS	8,865.00	8,865.00	-	-	7,915.00	-	-	-	-	-	-	-	-	35.00	7,950.00	915.00	89.7%
47	COST POOL	400574	COST POOL/ISF-Gen Liability	69,513.00	69,51															

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: October 21, 2020

Final Decision Date Deadline: October 21, 2020

STATEMENT OF THE ISSUE: In response to the Covid-19 pandemic, on August 31, 2020, the California legislature passed Assembly Bill 3088. Assembly Bill 3088 amends many existing State statutes and creates new statutes with the aim of stabilizing the housing situation for tenants, landlords, and homeowners, while addressing the impacts that the pandemic has had on housing. Many of the changes introduced by Assembly Bill 3088 impact the Rent Ordinance's regulatory goals and as such, it is important for both the Board and the public to have a general understanding of its edicts. Although Assembly Bill 3088 deals with many areas of housing generally (i.e Mobile Home Parks, homeowner mortgage modification, etc.), legal counsel's presentation will focus on the "Covid-19 Tenant Relief Act" portion of the bill as that portion impacts the regulatory goal of the Rent Ordinance.

INDICATE APPROPRIATE BODY

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

ITEM

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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: RECEIVE a presentation on Assembly Bill 3088 (Nicolas Traylor/Charles Oshinuga 620-6564).

AGENDA ITEM NO:

H-1.

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AGENDA REPORT

DATE: October 21, 2020
TO: Members of the Rent Board
FROM: Charles Oshinuga, Staff Attorney
SUBJECT: Assembly Bill 3088- Covid-19 Tenant Relief Act

STATEMENT OF THE ISSUE:

In response to the Covid-19 pandemic, on August 31, 2020, the California legislature passed Assembly Bill 3088. Assembly Bill 3088 amends many existing State statutes and creates new statutes with the aim of stabilizing the housing situation for tenants, landlords, and homeowners, while addressing the impacts that the pandemic has had on housing. Many of the changes introduced by Assembly Bill 3088 impact the Rent Ordinance's regulatory goals and as such, it is important for both the Board and the public to have a general understanding of its edicts. Although Assembly Bill 3088 deals with many areas of housing generally (i.e Mobile Home Parks, homeowner mortgage modification, etc.), legal counsel's presentation will focus on the "Covid-19 Tenant Relief Act" portion of the bill as that portion impacts the regulatory goal of the Rent Ordinance.

RECOMMENDED ACTION:

RECEIVE a presentation on Assembly Bill 3088 (Nicolas Traylor/Charles Oshinuga 620-6564).

FISCAL IMPACT:

There is no fiscal impact related to this item.

DISCUSSION:

Receive a PowerPoint and oral presentation on the Covid-19 Tenant Relief Act portion of Assembly Bill 3088.

DOCUMENTS ATTACHED:

No Attachments

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: October 21, 2020

Final Decision Date Deadline: October 21, 2020

STATEMENT OF THE ISSUE: Between 2019 and 2020, owners of 1,087 dwelling units sought a determination of exemption or inapplicability of the Rent Ordinance because the dwelling units were owner occupied, offered "rent-free," or not available for rent. To date, such requests have been processed and granted administratively. At its Regular Meetings on July 15, 2020, and August 19, 2020, the Rent Board considered and discussed revised Chapter 2 Regulations. In response to feedback provided during the discussion, staff members have prepared proposed revisions to Chapter 2 of the Rent Board's regulations to strengthen the policies and procedures by which claims of exemption or inapplicability from the Rent Ordinance are granted or denied to ensure a thorough and consistent process.

INDICATE APPROPRIATE BODY

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

ITEM

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|---|--|---------------------------------|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) | | |
| <input type="checkbox"/> Public Hearing | <input checked="" type="checkbox"/> Regulation | <input type="checkbox"/> Other: |
| <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: ADOPT revised Chapter 2 Regulations, concerning the process whereby property owners may seek an exemption or determination of inapplicability of a dwelling unit from provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance – Rent Program (Nicolas Traylor/Paige Roosa 620-6564).

AGENDA ITEM NO:

I-1.

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AGENDA REPORT

DATE: October 21, 2020

TO: Chair Maddock and Members of the Rent Board

FROM: Nicolas Traylor, Executive Director
Paige Roosa, Deputy Director

SUBJECT: ADOPTION OF REVISED CHAPTER 2 RENT BOARD REGULATIONS

STATEMENT OF THE ISSUE:

Between 2019 and 2020, owners of 1,087 dwelling units sought a determination of exemption or inapplicability of the Rent Ordinance because the dwelling units were owner occupied, offered “rent-free,” or not available for rent. To date, such requests have been processed and granted administratively. At its Regular Meetings on July 15, 2020, and August 19, 2020, the Rent Board considered and discussed revised Chapter 2 Regulations. In response to feedback provided during the discussion, staff members have prepared proposed revisions to Chapter 2 of the Rent Board’s regulations to strengthen the policies and procedures by which claims of exemption or inapplicability from the Rent Ordinance are granted or denied to ensure a thorough and consistent process.

RECOMMENDED ACTION:

ADOPT revised Chapter 2 Regulations, concerning the process whereby property owners may seek an exemption or determination of inapplicability of a dwelling unit from provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance – Rent Program (Nicolas Traylor/Paige Roosa 620-6564).

FISCAL IMPACT:

While these regulations will require involvement from staff members in the Billing and Registration, Management, and Hearings Units, it is not anticipated that additional FTEs will be required to administer this process. The development of a more robust exemption process is anticipated to bolster compliance with payment of the Rental Housing Fee, which could create a positive fiscal impact on the Program.

DISCUSSION:Background and Purpose of Revised Chapter 2 Regulations

Chapter 2 of the Rent Board's adopted regulations, titled "Applicability" was initially adopted in late 2017 to clarify those types of dwelling units fully and partially exempt from the Rent Ordinance. Chapter 2 was later expanded in 2018 to define Rooming and Boarding houses and create a process whereby a property owner could request a determination of, and challenge, a unit's exempt status.

Over 6,000 units in the Rent Program's database of housing units are currently catalogued as conditionally fully exempt from the Rent Ordinance. As described on page 24 of the Board's approved Fiscal Year 2020-21 Rental Housing Fee study, there are currently 5,463 units in the Rent Program's database of housing units that are classified as "Owner Occupied," 250 that are classified as "Rent-Free," and 317 units that are classified as "Not Available for Rent." Between 2019 and 2020, owners of 1,087 dwelling units sought such a determination on these grounds.

In its current form, Chapter 2 does not contemplate a procedure whereby an owner can request a determination of inapplicability because a dwelling unit is owner occupied or does not meet the requirements of a Rental Unit as defined by the Rent Ordinance because there is no Rent exchanged or the unit is not available for rent (and is, instead, for example, used for storage space.) As a result, staff members lack Board-approved policy guidance as it relates to enforcing requirements such as property enrollment, tenancy registration, and payment of the Rental Housing Fee. The proposed amendments to Chapter 2 would provide this necessary policy guidance.

Summary of Proposed Revisions

Rather than creating new policies and procedures for categories of exempt or inapplicable Rental Units, the proposed amendments to Chapter 2 clarify that the Administrative Determination process described in Rent Board Regulations 205 and 206 also apply to circumstances where an owner claims that a rental unit does not fall under the Rent Ordinance because it is not offered for rent, owner-occupied, or offered "rent free." As currently written, Regulations 205 and 206 provide:

"205. Application for Exemption Determination

Notwithstanding Regulation 403, a Landlord may request that an administrative decision be rendered regarding the applicability of R.M.C. 11.100 et. seq (Fair Rent, Just Cause For Eviction, and Homeowner Protection Ordinance) on a property or unit owned or occupied by the requesting party. All requests for an administrative decision regarding exemption must be made on an approved Rent Program form. The Landlord must complete the approved form and attach sufficient information and documentation demonstrating a claimed exemption. The

Landlord shall have the burden of proof of demonstrating a claimed exemption.

206. Issuing an Administrative Decision on Exemption Status

A. In rendering an administrative decision, the Executive Director or assigned staff member may conduct an independent investigation into the underlying facts and rely on information and documentation obtained thereof.

B. All administrative decisions under this Regulation must be made in writing, provide an explanation of the basis for the decision with citations to R.M.C. 11.100 et.seq (Fair Rent, Just Cause For Eviction, and Homeowner Protection Ordinance), and adequately describe the evidence relied on in reaching the decision.

C. All administrative decisions under this Regulation must be rendered within 30 calendar days from the date of application. The Rent Program shall notify the Landlord and all Tenants in the affected unit, of its exemption determination.

D. If the Landlord disagrees with the Executive Director or assigned staff member's administrative decision, the Landlord may, within 15 calendar days from the date of the administrative decision plus any additional time permitted under California Code of Civil Procedure Section 1013(a), as amended, file a request for hearing on exemption status. The hearing shall be conducted in accordance with the rules and procedures set forth in Chapter 8 of these Regulations.

The proposed process in the revised regulations would be administered as follows:

- (1) Landlord completes administrative determination request with supporting evidence
- (2) Within 30 days, the Executive Director or their designee issues an Administrative Determination
- (3) If the Landlord disagrees with the Administrative Determination, they may file a Petition to Determine Exempt Status within 15 calendar days from the date of the Administrative Determination
- (4) Either party may appeal the Hearing Examiner's decision

Proposed "Findings"

For those Administrative Determinations evaluating claims of the application of Richmond Municipal Code Chapter 11.100, the proposed revised regulations provide that the Executive Director or assigned staff member must make the following evidentiary findings prior to reaching an ultimate conclusion of applicability:

1. Whether the applicant owns at least a fifty percent (50%) interest in the Property for which the determination is being sought and has

owned fifty percent (50) interest since the date of filing the application;

2. Whether the unit is a Rental Unit pursuant to Richmond Municipal Code Section 11.100.030(m)
3. Whether there exist a Rental Housing Agreement as defined by Richmond Municipal Code Section 11.100.030(k)
4. Whether there is a person referenced in the application who either receives or who would otherwise be entitled to receive Rent as defined by Richmond Municipal Code Section 11.100.030(j). For purposes of this section, a person who is “entitled to receive” need not actually receive Rent. Rather, they need only to be the one who would receive Rent if Rent was actually paid.
5. If the applicant claims the unit is owner-occupied, whether the owner has resided at the property as their Primary Residence beginning at least one hundred twenty (120) days prior to filing of the application for exemption.

Next Steps

Should the Rent Board adopt the proposed revisions to Chapter 2, such regulations will become effective 30 days from the date of adoption, allowing staff the requisite time to prepare administrative forms and processes.

DOCUMENTS ATTACHED:

Attachment 1 – Revised Chapter 2 Regulations (Red-Lined)

Attachment 2 – Revised Chapter 2 Regulations (Clean)

205. Application for Applicability or Exemption Determination

Notwithstanding Regulation 403, both a Landlord and a Tenant may request that an Administrative Decision be rendered regarding the applicability of Richmond Municipal Code Chapter M.C. 11.100 et. seq (Fair Rent, Just Cause For Eviction, and Homeowner Protection Ordinance) on a Rental Unit or a claimed exemption pursuant to Richmond Municipal Code Section 11.100.030(d) property or unit owned or occupied by the requesting party. All requests for an Administrative Decision regarding applicability and/or exemption must be made on an approved-Official Rent Program form. The Landlord-applicant must complete the approved-Official Rent form and attach sufficient information and documentation as requested therein, demonstrating a claimed exemption. The Landlord-applicant shall have the burden of proof of demonstrating a claimed exemption or inapplicability of Richmond Municipal Code Chapter 11.00.

[Adopted June 20, 2018]

206. Issuing an Administrative Decision on Applicability or Exemption Status

1. In rendering an Administrative Determination decision, the Executive Director or assigned staff member may conduct an independent investigation into the underlying facts and rely on information and documentation obtained thereof.
2. All Administrative Determinations decisions rendered under this Regulation must be made in writing, provide an explanation of the basis for the decision with citations to Richmond Municipal Code Chapter M.C. 11.100 et. seq (Fair Rent, Just Cause For Eviction, and Homeowner Protection Ordinance), and adequately describe the evidence relied on in reaching the decision.
3. All Administrative Determinations rendered under this Regulation shall consider the purpose of the Rent Ordinance, any relevant evidence tending to prove or disprove material facts, previous compliance with Richmond Municipal Code Chapter 11.100, paid Business License Tax, if any, and the rental history of the subject Rental Unit.
4. For those Administrative Determinations evaluating claims of the application of Richmond Municipal Code Chapter 11.100, the Executive Director or assigned staff member must make the following evidentiary findings prior to reaching an ultimate conclusion of applicability:
 1. Whether the applicant owns at least a fifty percent (50%) interest in the Property for which the determination is being sought and has owned fifty percent (50) interest since the date of filing the application;
 2. Whether the unit is a Rental Unit pursuant to Richmond Municipal Code Section 11.100.030(m)
 3. Whether there exist a Rental Housing Agreement as defined by Richmond Municipal Code Section 11.100.030(k)
 4. Whether there is a person referenced in the application who either receives or who would otherwise be entitled to receive Rent as defined by Richmond Municipal Code Section 11.100.030(j). For purposes of this section, a person who is "entitled to receive" need not actually receive Rent. Rather, they need only to be the one who would receive Rent if Rent was actually paid.
 5. If the applicant claims the unit is owner-occupied, whether the owner has resided at the property as their Primary Residence beginning at least one hundred twenty (120) days prior to filing of the application for exemption.
5. Where the challenged Rental Unit has been rented or offered for rent in the same fiscal year in which the applicant has filed an application for determination of Richmond Municipal Code Chapter 11.100 applicability or exemption, the Executive Director or assigned staff member shall find that the

provisions of Richmond Municipal Code Chapter 11.100 apply and shall only consider whether the Just Cause provisions apply or both the Rent Control and Just Cause provisions apply.

- 2.—All administrative decisions under this Regulation must be rendered within ~~90~~³⁰ calendar days from the date of application. The Rent Program shall notify the applicant and impacted part ~~Landlord and all Tenants in the affected unit~~, of its ~~exemption~~ Administrative Determination.
- 3-6. If the ~~Landlord~~ applicant or impacted party disagrees with the Executive Director or assigned staff member's ~~A~~ Administrative Determination~~decision~~, the ~~Landlord~~ applicant or impacted party may, within 15 calendar days from the date of the ~~A~~ Administrative Determination~~decision~~ plus any additional time permitted under California Code of Civil Procedure Section 1013(a), as amended, file a request for hearing on the issues raised in the application~~exemption status~~. The hearing and any potential appeal shall be conducted in accordance with the rules and procedures set forth in Chapter 8 of these Regulations. For purpose of this section, impacted party shall include those persons who are either the Landlord or occupant of the subject Rental Unit.

[Adopted June 20, 2018; Amended October 21, 2020]

207. Challenging a Rental Unit's Exempt Status

~~A. Where a Rental Unit has been determined to be or treated as an exempt Rental Unit, a Tenant occupying said Rental Unit or his or her designee, may challenge the Rental Unit's exemption status by filing a Tenant petition for rent withholding, pursuant to Chapter 4 of these Regulations. Such a petition shall not be granted if the challenged Rental Unit has been determined exempt pursuant to Regulation 206, unless the Tenant can demonstrate that there has been a material change in facts, or that the information supplied by the Landlord in support of the exemption was misleading and/or false.~~

[Adopted June 20, 2018]

205. Application for Applicability or Exemption Determination

Notwithstanding Regulation 403, both a Landlord and a Tenant may request that an Administrative Decision be rendered regarding the applicability of Richmond Municipal Code Chapter 11.100 on a Rental Unit or a claimed exemption pursuant to Richmond Municipal Code Section 11.100.030(d). All requests for an Administrative Decision regarding applicability and/or exemption must be made on an Official Rent Program form. The applicant must complete the Official Rent form and attach sufficient information and documentation as requested therein. The applicant shall have the burden of proof of demonstrating a claimed exemption or inapplicability of Richmond Municipal Code Chapter 11.00.

[Adopted June 20, 2018]

206. Issuing an Administrative Decision on Applicability or Exemption Status

1. In rendering an Administrative Determination, the Executive Director or assigned staff member may conduct an independent investigation into the underlying facts and rely on information and documentation obtained thereof.
2. All Administrative Determinations rendered under this Regulation must be made in writing, provide an explanation of the basis for the decision with citations to Richmond Municipal Code Chapter 11.100, and adequately describe the evidence relied on in reaching the decision.
3. All Administrative Determinations rendered under this Regulation shall consider the purpose of the Rent Ordinance, any relevant evidence tending to prove or disprove material facts, previous compliance with Richmond Municipal Code Chapter 11.100, paid Business License Tax, if any, and the rental history of the subject Rental Unit.
4. For those Administrative Determinations evaluating claims of the application of Richmond Municipal Code Chapter 11.100, the Executive Director or assigned staff member must make the following evidentiary findings prior to reaching an ultimate conclusion of applicability:
 1. Whether the applicant owns at least a fifty percent (50%) interest in the Property for which the determination is being sought and has owned fifty percent (50) interest since the date of filing the application;
 2. Whether the unit is a Rental Unit pursuant to Richmond Municipal Code Section 11.100.030(m)
 3. Whether there exist a Rental Housing Agreement as defined by Richmond Municipal Code Section 11.100.030(k)
 4. Whether there is a person referenced in the application who either receives or who would otherwise be entitled to receive Rent as defined by Richmond Municipal Code Section 11.100.030(j). For purposes of this section, a person who is “entitled to receive” need not actually receive Rent. Rather, they need only to be the one who would receive Rent if Rent was actually paid.
 5. If the applicant claims the unit is owner-occupied, whether the owner has resided at the property as their Primary Residence beginning at least one hundred twenty (120) days prior to filing of the application for exemption.
5. Where the challenged Rental Unit has been rented or offered for rent in the same fiscal year in which the applicant has filed an application for determination of Richmond Municipal Code Chapter 11.100 applicability or exemption, the Executive Director or assigned staff member shall find that the provisions of Richmond Municipal Code Chapter 11.100 apply and shall only consider whether the Just Cause provisions apply or both the Rent Control and Just Cause provisions apply.

6. All administrative decisions under this Regulation must be rendered within 90 calendar days from the date of application. The Rent Program shall notify the applicant and impacted party of its Administrative Determination. If the applicant or impacted party disagrees with the Executive Director or assigned staff member's Administrative Determination, the applicant or impacted party may, within 15 calendar days from the date of the Administrative Determination plus any additional time permitted under California Code of Civil Procedure Section 1013(a), as amended, file a request for hearing on the issues raised in the application. The hearing and any potential appeal shall be conducted in accordance with the rules and procedures set forth in Chapter 8 of these Regulations. For purpose of this section, impacted party shall include those persons who are either the Landlord or occupant of the subject Rental Unit.

[Adopted June 20, 2018; Amended October 21, 2020]

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: October 21, 2020

Final Decision Date Deadline: October 21, 2020

STATEMENT OF THE ISSUE: At their meeting on May 15, 2019, members of the Rent Board received a presentation concerning possible Owner Move-In (“OMI”) eviction regulations to help clarify the intent of the Rent Ordinance. Between November 2019 and February 2020, the Board considered case study research, community engagement feedback, and an analysis of OMI notices filed with the Rent Program and provided direction to staff on nine specific policy questions. At their meeting on September 16, 2020, members of the Rent Board received a presentation on proposed OMI Regulations 1009 and 1010 and provided further direction to staff. Proposed Regulation 1010 has been revised in accordance with the Board’s direction. Staff recommend further discussion of Proposed Regulation 1009, specifically 1009 (C) 1 in the context of Richmond Municipal Code Section 11.100.050 (a) (6) (B), prior to further consideration of adoption.

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 checked="" type="checkbox"/> Regulation | <input type="checkbox"/> Other: |
| <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: CONSIDER ADOPTION of proposed Owner Move-In Eviction Regulations 1010 and DISCUSS proposed Owner Move-In Eviction Regulation 1009 in the context of Richmond Municipal Code Section 11.100.050(a)(6)(B) – Rent Program (Nicolas Traylor/Paige Roosa 620-6564).

AGENDA ITEM NO:

I-2.

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AGENDA REPORT

DATE: October 21, 2020

TO: Chair Maddock and Members of the Rent Board

FROM: Nicolas Traylor, Executive Director
Paige Roosa, Deputy Director

SUBJECT: PROPOSED OWNER MOVE-IN EVICTION REGULATIONS

STATEMENT OF THE ISSUE:

At their meeting on May 15, 2019, members of the Rent Board received a presentation concerning possible Owner Move-In (“OMI”) eviction regulations to help clarify the intent of the Rent Ordinance. Between November 2019 and February 2020, the Board considered case study research, community engagement feedback, and an analysis of OMI notices filed with the Rent Program and provided direction to staff on nine specific policy questions. At their meeting on September 16, 2020, members of the Rent Board received a presentation on proposed OMI Regulations 1009 and 1010 and provided further direction to staff. Proposed Regulation 1010 has been revised in accordance with the Board’s direction. Staff recommend further discussion of Proposed Regulation 1009, specifically 1009 (C) 1 in the context of Richmond Municipal Code Section 11.100.050 (a) (6) (B), prior to further consideration of adoption.

RECOMMENDED ACTION:

CONSIDER ADOPTION of proposed Owner Move-In Eviction Regulations 1010 and DISCUSS proposed Owner Move-In Eviction Regulation 1009 in the context of Richmond Municipal Code Section 11.100.050(a)(6)(B) – Rent Program (Nicolas Traylor/Paige Roosa 620-6564).

FISCAL IMPACT OF PROPOSED POLICY OPTIONS:

The fiscal impact of administering an Owner Move-In eviction regulation depends on both the degree of administrative duties imposed by the adopted policy and the frequency with which OMI evictions occur. Based on the proposed compliance process approved by the Board at their meeting on February 19, 2020, staff members anticipate that the fiscal impact of administering the OMI compliance process will be approximately 0.1 FTE (Attachment 5). This includes 0.05 FTE of a Staff Attorney to review notices of termination of tenancy and follow up with community members if potential defects are

identified, as well as 0.05 FTE of an Administrative Aide to draft the requisite notices, prepare and send notices of rights and obligations, prepare and mail the OMI postcards, and maintain records. This 0.1 FTE will be absorbed by the existing budget and staff.

DISCUSSION:

Background

Section 11.100.050(a)(6) of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance (Rent Ordinance) provides that a Landlord may seek to recover possession of a rental unit in good faith for the use and occupancy as a Primary Residence by the Landlord or the Landlord's spouse, children, parents, or grandparents.

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

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

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

Case Study Research

To better ascertain the regulatory requirements of Owner Move-in Eviction policies in other California cities, staff members reviewed Owner Move-In policies in Berkeley, Oakland, Los Angeles, San Francisco, San Jose, Santa Monica, and West Hollywood.

The Rent Board received a presentation of this research at their meeting on May 15, 2019.

Community Engagement

Community engagement around the proposed Owner Move-In eviction regulation occurred in three formats: large-format community workshops, focus groups for Spanish-speaking community members, and the dissemination of a survey, available in hard copy and online in English and Spanish. The Rent Board received a presentation of community engagement results at their meeting on August 21, 2019 (Attachment 1).

Analysis of Owner Move-In Eviction Cases (Notices)

Between February 26, 2017 (the first date an Owner Move-In eviction notice was filed with the Rent Board) and July 1, 2019, 41 notices of termination of tenancy on the grounds of Owner Move-In were filed with the Rent Program. The Rent Board received a presentation of this analysis at their meeting on August 21, 2019 (Attachment 1).

Policy Direction Matrix

Between November 2019 and February 2020, the Board considered case study research, community engagement feedback, and an analysis of OMI notices filed with the Rent Program and provided direction to staff on nine specific policy questions. The Board's policy direction on each of these nine questions is contained in Attachment 3. With this policy direction, staff members have prepared proposed regulations for the Board's consideration and potential adoption (Attachment 4). Community feedback on the proposed regulations is contained in Attachment 6 of this report.

Policy Direction Provide by the Board

At their September 16, 2020 Regular Meeting of the Rent Board, Board members provided the following direction to staff regarding the proposed OMI Regulations:

- 1009(B) 1: Clarify language to explicitly include a Natural Person shall include Owner of a trust, who is both a Trustor and Trustee.
- 1009(D) 5: Clarify language regarding Good Faith requirements, to make clear that consideration of "good faith" by the courts may be considered at the time of the service of a notice of termination pursuant 11.050.100(a) (6).
- 1009(E) Clarify or remove section regarding failure to occupy the rental unit.
- 1010(C) 3: Revise language regarding the change of address/contact information form to include shall contain a statement informing the Tenant that failure to update the Landlord and to remove and/or the Rent Program and add language that the Rent Program may facilitate an update of change of address between

the displaced Tenant and Landlord.

- 1010(B) 2: State that the Rent Program shall send a written courtesy reminder to a Landlord who submitted a notice of termination of tenancy.
- 1010(C): Regarding continued occupancy certification, to revise the language and add other options for certification but to remove including but not limited to a copy of a valid California Driver's License or government issued for identification and provide clarification that after the Landlord has met the obligations can conduct another Owner Move-in on the property in the future.
- Clarify the question regarding the rental rate of a unit after an owner move in, if the Tenant does not exercise the right to first right of refusal. The Board decided to table this discussion regarding the rental rate after an owner move-in, to allow Staff Attorney Charles Oshinuga to research further.
- Clarify that the Protected Status Claim by Tenant be included in the revised Regulations. This would include language that after the Tenant has received the notice that they intend to make that claim.

Staff Recommend Further Discussion of Regulation 1009 (C) 1

Prior to presenting the revised proposed changes to Regulation 1009, the Executive Director, in consultation with Chair Maddock, recommends that the Board discuss Regulation 1009 (C) 1 in the context of Richmond Municipal Code Section 11.100.050 (a) (6) (B). RMC 11.100.050 (a) (6) (B) states:

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

In particular, the Board should look to this section of the Ordinance to ensure its policy direction around proposed regulation 1009 (C)(1) & (C)(4) are properly harmonized with Richmond Municipal Code Section 11.100.050(a)(B)(6).

Next Steps

Should the Board adopt the proposed regulations, staff members will begin preparing the processes and notices required for enforcement.

DOCUMENTS ATTACHED:

Attachment 1- Revised Proposed Regulation 1009. Owner Move-In Eviction Pursuant Richmond Municipal Code Section 11.100.050(a)(6) – Redlined Version

Attachment 2 – Revised Proposed Regulation 1010. Post-Owner Moves-In Eviction Requirements – Redlined Version

Attachment 3 – Revised Proposed Regulation 1010. Post-Owner Moves-In Eviction Requirements – Clean Version

Attachment 4 – Policy Direction Matrix

Attachment 5 – Community Member Feedback on Proposed Regulations

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1009. Owner Move-In Eviction Pursuant Richmond Municipal Code Section 11.100.050(a)(6)

- A. Purpose of Regulation. Richmond Municipal Code Section 11.100.050(a)(6), permits the eviction of a Tenant where a Landlord who seeks to recover possession of a Rental Unit in good faith for use and occupancy as a Primary Residence for themselves, or for an enumerated qualifying relative. In response to community members' inquiries regarding the application of Richmond Municipal Code Section 11.100.050(a)(6), the purpose of this Regulation is to clarify those circumstances whereby the usage of Richmond Municipal Code Section 11.100.050(a)(6) is appropriate, and to aid the courts in interpreting the provisions of Richmond Municipal Code Section 11.100.050(a)(6).
- B. Definition of Natural Person for Purposes of this Regulation.
1. Only a Natural Person who has at least a 50 percent ownership interest in a Property shall be considered a Landlord.
 2. No corporation, partnership, limited partnership, trust company, as defined in California Financial Code, Section 107, real estate investment trust, as defined in Section 856 of the Internal Revenue Code, or association shall be considered a Natural Person.
 - 2.3. Notwithstanding Regulation 1009(B)(2), a Natural Person shall include an Owner of a Revocable Trust where the Owner is both the Trustor and Trustee, and holds 50% ownership interest in the Property.
- C. Number of Allowable Evictions Under Richmond Municipal Code Section 11.100.050(a)(6).

A "Landlord" as defined in Richmond Municipal Code Section 11.100.050(a)(6), may, in good faith, evict a Tenant from a Rental Unit for the use and occupancy as a Primary Residence for themselves or for their spouse, children, parents, or grandparents.

1. A Landlord that meets the definition espoused in Richmond Municipal Code Section 11.100.050(a)(6) shall only be permitted to perform one Owner Move-In eviction on the Property for either themselves, their spouse, children, parents, or grandparents.
2. Notwithstanding Regulation 1009(C)(1), a Landlord who has already performed an Owner Move-In for either themselves, their spouse, children, parents, or grandparents, may perform an additional Owner Move-In on the same Property if there is a demonstrated need for a Reasonable Accommodation based on a qualifying Disability as defined by Government Code Section 12955.3
3. The Landlord or enumerated relative must intend to occupy the Rental Unit as their Primary Residence as defined in Richmond Municipal Code Section 11.100.030(h). A Landlord shall only have one Primary Residence.

4. If ~~any~~ Landlord as defined by Richmond Municipal Code Section 11.100.050(a)(6) or an enumerated relative already occupies ~~one a Rental Unit~~ on a Property, that same Landlord, whether on behalf of themselves or their enumerated relative, may not conduct an eviction no eviction pursuant to Richmond Municipal Code Section 11.100.050(a)(6), ~~may take place~~ unless there is a demonstrated need for a Reasonable Accommodation based on a qualifying Disability as defined by Government Code Section 12955.3
5. No eviction pursuant to Richmond Municipal Code Section 11.100.050(a)(6) is permitted if a vacancy exists on the Property, unless there is a demonstrated need for a Reasonable Accommodation based on a qualifying Disability as defined by Government Code Section 12955.3

D. Good Faith Requirements.

This subsection illustrates, but does not exhaust, the factors that a Superior Court may consider as relevant evidence in determining whether the Landlord is acting or acted in good faith under Richmond Municipal Code Section 11.100.050(a)(6)(D).

1. A Landlord is not acting in good faith if the Landlord or enumerated relative for whom a Tenant has been evicted does not intend to move into the unit within 90 days of the date that the tenant vacates the unit and/or does not intend to thereafter occupy the Rental Unit for at least Thirty-Six (36) consecutive months as their Primary Residence.
2. Where proof is presented that an ownership interest was granted for the primary purpose of qualifying a person as a Landlord for purposes of eviction under Richmond Municipal Code Section 11.100.050(a)(6), the Landlord is not proceeding in good faith.
3. Where the same Landlord attempts to concurrently perform two evictions pursuant to Richmond Municipal Code Section 11.100.050(a)(6), that Landlord is not proceeding in good faith.
4. A Landlord who has served a notice of termination of tenancy under Richmond Municipal Code Section 11.100.050(a)(6) is not proceeding in good faith if the Landlord, at the time of the service of a notice of termination pursuant to Municipal Code Section 11.100.050(a)(6), has other vacant Rental Units on the Property where the Tenant currently resides, unless there exist a demonstrated Reasonable Accommodation, from the date of the notice to quit until the date of judgment of an Unlawful Detainer, unless there exists a demonstrated Reasonable Accommodation. A vacant unit shall include any Rental Unit for which the Landlord has received notice that a Tenant intends to vacate, a Rental Unit where the Landlord has obtained a Writ of Possession-Real Property, and any Rental unit which is otherwise vacant and not currently rented.

ITEM I-2 ATTACHMENT 1

5. The court, in making a determination regarding the presence or absence of Good Faith in an eviction, should consider, along with any other factors deemed relevant, These factors are not intended to be dispositive and the Superior Court should explore these factors within the totality of the factual circumstances before it: whether the Tenant has recently reported violations of Richmond Municipal Code Chapter 11.100, Richmond Rent Board Regulations, and/or Richmond Rent Board Orders to the Rent Program/Rent Board; whether the Landlord has vacant Rental Units in other residential rental properties in the City of Richmond; whether the Landlord has previously attempted to evict these or other Tenants pursuant to Richmond Municipal Code Section 11.100.050(a)(6); whether the Tenant being evicted is paying a low Rent in relation to other units on the property; whether the eviction is an attempt to move the tenant into a higher priced Rental Unit; and any additional relevant information.
6. In making a determination as to whether a wrongful eviction has occurred, the Superior Court should consider a Landlord's failure to comply with any of the provisions set forth in Regulation 1010, as evidence that the contested Owner Move-In was not performed in Good faith.

~~E. Failure to Occupy the Rental Unit. If the individual specified in the notice terminating tenancy pursuant to Richmond Regulation 11.100.050(a)(6), decides they no longer want to occupy the Rental Unit as their Primary Residence, the Landlord shall immediately offer the Rental Unit back to the Tenant who vacated the Rental Unit. In addition to any other remedies obligated under the City of Richmond Relocation Ordinance, any payment made pursuant to the City of Richmond Relocation Ordinance need not be returned.~~

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1010. Post-Owner Move-In Eviction Requirements

- A. Purpose of Regulation. The purpose of Regulation 1010 is to establish reporting requirements for those Landlords who perform evictions pursuant to Richmond Municipal Code Section 11.100.050(a)(6), so that the Rent Board may adequately discharge its duties under Richmond Municipal Code Chapter 11.100, and effectively monitor the grounds for eviction.
- B. Certifications to Rent Program Required for Eviction or Tenant Vacating Pursuant to Richmond Municipal Code Section 11.100.050(a)(6) (Owner or Relative Move In).
1. Initial certification following vacancy by Tenant. A Landlord who evicts a Tenant pursuant to Richmond Municipal Code Section 11.100.050(a)(6) or where a Tenant vacates following a notice terminating tenancy, whether or not the notice is withdrawn, or other communications stating ~~or otherwise implying~~ that the Landlord seeks recovery of possession of the Rental Unit for purposes of moving into the Rental Unit, must submit to the Rent Program a completed certificate within thirty (30) days of the Tenant's vacating of the unit. This certificate shall be provided by the Rent Program via a Rent Program form and must include the amount of the Tenant's rent on the date the Tenant vacated.
 2. Statement of Occupancy. The Landlord or the designated qualifying relative must move into the Rental Unit within ninety (90) days of the Tenant's vacating of the Rental Unit. Within thirty (30) days of the Landlord or the Landlord's qualifying relative's commencing occupancy of the Rental Unit as a Primary Residence, the Landlord must file, on a Rent Program Form, a Statement of Occupancy attesting to their occupancy in addition to any evidence of occupancy as required by the Rent Program Form. The Rent Program shall send a written courtesy reminder to a Landlord who submitted a notice of termination of tenancy pursuant to Richmond Municipal Code Section 11.100.050(a)(6), of their obligation to move into the subject Rental Unit within ninety (90) days, and their need to submit a Statement of Occupancy to the Rent Program.
- C. Continued Occupancy Certification. Following a Landlord or qualifying relative occupying a unit pursuant to Richmond Municipal Code Section 11.100.050(a)(6), the Landlord must submit a certificate that the Landlord or the Landlord's qualifying relative continues to reside or not reside in the unit as a Primary Residence. The Landlord or the Landlord's qualifying relative must attach proof of residence in the Rental Unit. This proof may be in the form of bank statements, credit card statements, - including but not limited to a copy of a valid California Driver's License or another government-issued form of identification, voided checks, moving expense documents, insurance policies, addressed to the individual showing the address of the at their Primary Residence/-Rental Unit. This certification must be provided every twelve (12) months from the initial move-in date for thirty-six (36) months following that move-in date. If the Landlord fails to provide the Statement of Occupancy to the Rent Program, fails to move into the Rental,

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or fails to occupy the Rental Unit for thirty-six (36) months, the Rent Program shall make all reasonable efforts to provide the displaced Tenant with such information and inform the displaced Tenant of their rights under Richmond Municipal Code Chapter 11.100. Right of First Refusal Pursuant to Richmond Municipal Code Section 11.100.050(a)(6).

1. Right of First Refusal. Upon service of a notice of termination of tenancy pursuant to Richmond Municipal Code Section 11.100.050(a)(6), or other communications stating or otherwise implying that the Landlord seeks recovery of possession of the Rental Unit for purposes of moving into the Rental Unit, the Landlord shall provide the Tenant a Rent Program form, or its equivalent, describing the Tenant's right to return to the Rental Unit if the Rental Unit is ever re-rented. Additionally, the Rent Program form, or its equivalent, shall instruct the Tenant to indicate whether they would be interested in re-renting the Rental Unit at the same Rent plus all applicable Annual General Adjustments, subject to Regulation 602, if the Rental Unit is offered for Rent. The Tenant shall provide the Landlord, in writing, their interest to return to the Rental Unit if it is ever offered for Rent and shall provide the Rent Program with a copy of the said written notice.
2. Contact information. The Tenant shall inform the Landlord and the Rent Program of their most current address or contact information so as to permit the Landlord to reoffer the Tenant the Rental Unit if it ever should be offered for Rent.
3. Change of Address Form or other Contact Information: The Rent Program shall make available for access a blank change of address/contact information form that the displaced Tenant can use to keep the Rent Program and the Landlord apprised of any future changes of address or contact information. Change of address/contact information form shall contain a statement informing the Tenant that failure to update the Landlord ~~and/or the Rent Program~~ with the most up to date contact information may result in a forfeiture of their right of first refusal. The Rent Program may facilitate an update of the change of address between the displaced Tenant and Landlord. Where the Rent Program chooses to facilitate an update of the displaced Tenant's change of address, the Rent Program shall send the Landlord written notification of the displaced Tenant's new address. This written notification shall be sent to the address that the Landlord performed an eviction pursuant to Richmond Municipal Code Section 11.100.050(a)(6).
4. Maintenance of Tenant Address or other Contact Information. The Landlord shall, and the Rent Program may, maintain the Tenant's contact information until a time of which the Tenant's right of first refusal has either vested or been extinguished. Although the Rent Program may choose to maintain the contact information of the Tenant, it in no way assumes liability for a Landlord's failure to reoffer the Rental Unit to the displaced Tenant, as the Landlord shall have the sole responsibility of meeting their obligation to reoffer a Rental Unit for Rent pursuant to Richmond Municipal Code Section 11.100.050(c), and these Regulations.

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5. Reoffering the Rental Unit for Rent. It shall be the sole responsibility of the Landlord to reoffer the Rental Unit for Rent if it is ever returned to the rental market. In the event that the Landlord offers the Rental Unit for Rent, the Landlord shall inform the Rent Program of their intent to offer the Rental Unit for Rent and send the displaced Tenant a written offer to re-rent the Rental Unit at no more than the same Rent the Tenant was paying at the time of service of the notice of termination plus any applicable Annual General Adjustments subject to the provisions of Richmond Regulation 602. The Landlord shall provide a copy of the written offer letter to the Rent Program within five (5) days from the date the Landlord sent the offer to the Tenant. If the Landlord does not have the displaced Tenant's contact information, the Landlord shall request the Rent Program provide the Landlord with the Tenant's contact information. In such an event, the Rent Program shall seek the written permission of the displaced Tenant to release their contact information to the Landlord. If the displaced Tenant elects not to provide the sought after permission, the Rent Program shall serve as the intermediary, and assist the Landlord in providing the displaced Tenant with the Landlord's written offer for re-renting the Rental Unit to the displaced Tenant.
6. Failure to Respond to Landlord's Offering to Re-Rent the Rental Unit. The Tenant shall have thirty-days (30), plus any applicable time provided under California Code of Civil Procedure 1013(a), as amended, to respond in writing to the Landlord's written offer for re-renting the Rental Unit. Upon responding in writing to the Landlord's offer, the Tenant shall file a copy of their written response with the Rent Program. A Tenant's failure to timely respond to a Landlord's offer to re-rent the Rental Unit that fully adheres to the provisions of Regulation 1010, shall extinguish the Right of First Refusal.

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1010. Post-Owner Move-In Eviction Requirements

- A. Purpose of Regulation. The purpose of Regulation 1010 is to establish reporting requirements for those Landlords who perform evictions pursuant to Richmond Municipal Code Section 11.100.050(a)(6), so that the Rent Board may adequately discharge its duties under Richmond Municipal Code Chapter 11.100, and effectively monitor the grounds for eviction.
- B. Certifications to Rent Program Required for Eviction or Tenant Vacating Pursuant to Richmond Municipal Code Section 11.100.050(a)(6) (Owner or Relative Move In).
1. Initial certification following vacancy by Tenant. A Landlord who evicts a Tenant pursuant to Richmond Municipal Code Section 11.100.050(a)(6) or where a Tenant vacates following a notice terminating tenancy, whether or not the notice is withdrawn, or other communications stating that the Landlord seeks recovery of possession of the Rental Unit for purposes of moving into the Rental Unit, must submit to the Rent Program a completed certificate within thirty (30) days of the Tenant's vacating of the unit. This certificate shall be provided by the Rent Program via a Rent Program form and must include the amount of the Tenant's rent on the date the Tenant vacated.
 2. Statement of Occupancy. The Landlord or the designated qualifying relative must move into the Rental Unit within ninety (90) days of the Tenant's vacating of the Rental Unit. Within thirty (30) days of the Landlord or the Landlord's qualifying relative's commencing occupancy of the Rental Unit as a Primary Residence, the Landlord must file, on a Rent Program Form, a Statement of Occupancy attesting to their occupancy in addition to any evidence of occupancy as required by the Rent Program Form. The Rent Program shall send a written courtesy reminder to a Landlord who submitted a notice of termination of tenancy pursuant to Richmond Municipal Code Section 11.100.050(a)(6), of their obligation to move into the subject Rental Unit within ninety (90) days, and their need to submit a Statement of Occupancy to the Rent Program.
- C. Continued Occupancy Certification. Following a Landlord or qualifying relative occupying a unit pursuant to Richmond Municipal Code Section 11.100.050(a)(6), the Landlord must submit a certificate that the Landlord or the Landlord's qualifying relative continues to reside or not reside in the unit as a Primary Residence. The Landlord or the Landlord's qualifying relative must attach proof of residence in the Rental Unit. This proof may be in the form of bank statements, credit card statements, government-issued form of identification, voided checks, moving expense documents, insurance policies, addressed to the individual at their Primary Residence/This certification must be provided every twelve (12) months from the initial move-in date for thirty-six (36) months following that move-in date. If the Landlord fails to provide the Statement of Occupancy to the Rent Program, fails to move into the Rental, or fails to occupy the Rental Unit for thirty-six (36) months, the Rent Program shall make all reasonable efforts to provide the

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displaced Tenant with such information and inform the displaced Tenant of their rights under Richmond Municipal Code Chapter 11.100.

Right of First Refusal Pursuant to Richmond Municipal Code Section 11.100.050(a)(6).

1. **Right of First Refusal.** Upon service of a notice of termination of tenancy pursuant to Richmond Municipal Code Section 11.100.050(a)(6), or other communications stating or otherwise implying that the Landlord seeks recovery of possession of the Rental Unit for purposes of moving into the Rental Unit, the Landlord shall provide the Tenant a Rent Program form, or its equivalent, describing the Tenant's right to return to the Rental Unit if the Rental Unit is ever re-rented. Additionally, the Rent Program form, or its equivalent, shall instruct the Tenant to indicate whether they would be interested in re-renting the Rental Unit at the same Rent plus all applicable Annual General Adjustments, subject to Regulation 602, if the Rental Unit is offered for Rent. The Tenant shall provide the Landlord, in writing, their interest to return to the Rental Unit if it is ever offered for Rent and shall provide the Rent Program with a copy of the said written notice.
2. **Contact information.** The Tenant shall inform the Landlord and the Rent Program of their most current address or contact information so as to permit the Landlord to reoffer the Tenant the Rental Unit if it ever should be offered for Rent.
3. **Change of Address Form or other Contact Information:** The Rent Program shall make available for access a blank change of address/contact information form that the displaced Tenant can use to keep the Rent Program and the Landlord apprised of any future changes of address or contact information. Change of address/contact information form shall contain a statement informing the Tenant that failure to update the Landlord with the most up to date contact information may result in a forfeiture of their right of first refusal. The Rent Program may facilitate an update of the change of address between the displaced Tenant and Landlord. Where the Rent Program chooses to facilitate an update of the displaced Tenant's change of address, the Rent Program shall send the Landlord written notification of the displaced Tenant's new address. This written notification shall be sent to the address that the Landlord performed an eviction pursuant to Richmond Municipal Code Section 11.100.050(a)(6).
4. **Maintenance of Tenant Address or other Contact Information.** The Landlord shall, and the Rent Program may, maintain the Tenant's contact information until a time of which the Tenant's right of first refusal has either vested or been extinguished. Although the Rent Program may choose to maintain the contact information of the Tenant, it in no way assumes liability for a Landlord's failure to reoffer the Rental Unit to the displaced Tenant, as the Landlord shall have the sole responsibility of meeting their obligation to reoffer a Rental Unit for Rent pursuant to Richmond Municipal Code Section 11.100.050(c), and these Regulations.

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5. Reoffering the Rental Unit for Rent. It shall be the sole responsibility of the Landlord to reoffer the Rental Unit for Rent if it is ever returned to the rental market. In the event that the Landlord offers the Rental Unit for Rent, the Landlord shall inform the Rent Program of their intent to offer the Rental Unit for Rent and send the displaced Tenant a written offer to re-rent the Rental Unit at no more than the same Rent the Tenant was paying at the time of service of the notice of termination plus any applicable Annual General Adjustments subject to the provisions of Richmond Regulation 602. The Landlord shall provide a copy of the written offer letter to the Rent Program within five (5) days from the date the Landlord sent the offer to the Tenant. If the Landlord does not have the displaced Tenant's contact information, the Landlord shall request the Rent Program provide the Landlord with the Tenant's contact information. In such an event, the Rent Program shall seek the written permission of the displaced Tenant to release their contact information to the Landlord. If the displaced Tenant elects not to provide the sought after permission, the Rent Program shall serve as the intermediary, and assist the Landlord in providing the displaced Tenant with the Landlord's written offer for re-renting the Rental Unit to the displaced Tenant.

6. Failure to Respond to Landlord's Offering to Re-Rent the Rental Unit. The Tenant shall have thirty-days (30), plus any applicable time provided under California Code of Civil Procedure 1013(a), as amended,, to respond in writing to the Landlord's written offer for re-renting the Rental Unit. Upon responding in writing to the Landlord's offer, the Tenant shall file a copy of their written response with the Rent Program. A Tenant's failure to timely respond to a Landlord's offer to re-rent the Rental Unit that fully adheres to the provisions of Regulation 1010, shall extinguish the Right of First Refusal.

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**OWNER MOVE-IN POLICY DIRECTION MATRIX
OCTOBER 21, 2020**

Options highlighted reflect policy directives received by the Rent Board at its November 20, 2019, December 18, 2019, January 15, 2020, and February 19, 2020, Regular Meetings.

POLICY QUESTION	OPTION 1	OPTION 2	OPTION 3
1. Should a policy exist that allows two individuals who share ownership of a property (each individual has a 50% recorded interest) <u>each</u> be able to conduct an Owner Move-In eviction on a unit on a property? (So, for example, if two individuals own a duplex together, should each individual be able to conduct an Owner Move-In on a unit on the property?)	No Only one Owner Move-In Eviction should be permitted to take place on the property.	Yes Each individual owner who holds 50% interest in the property should be able to conduct an Owner Move-In eviction on the property.	Yes A Landlord or qualified family member may conduct an Owner Move-In, if the Landlord possesses legal title to at least 50% recorded interest in the rental property. Property may not be combined to satisfy the 50% recorded interest in a property. An Owner Move-In may not occur if a tenant has a minor child and the Owner Move-In occurs during the academic year.
2. Should an individual who is a beneficiary with at least 50% recorded interest in a trust that owns the property be able to conduct an Owner Move-In eviction?	No Only natural persons should be able to conduct an Owner Move-In eviction.	Yes, with limitations An owner of a property that is held in a Revocable Living Trust may conduct an Owner Move-In eviction, but only if the owner is both the trustor and trustee. An owner of a property that is held in a Trust may conduct an Owner Move-In eviction, with the exclusion of Real Estate Investment Trusts, LLCs with a Corporate Members, Corporations, or Land Trusts. <i>Note: In all cases, the owner must hold at least 50% interest in the property in accordance with section 11.100.050(a)(6)(A) of the Rent Ordinance</i>	
3. Should a policy be adopted to limit the number of Owner Move-In evictions that may be conducted by an owner or enumerated relative on a single property? In other words, should the Rent Board prohibit owners from conducting an Owner Move-In eviction for themselves in Unit A, for their parent in Unit B, and for a child in Unit C?	No Unlimited Owner Move-In evictions can be conducted so as long as the owner or relative resides on the property as his or her primary residence.	Yes Owners may conduct one Owner-Move In eviction once every three years.	Yes No more than one owner or qualified family member with 50% ownership can move to the property even if the other family member lives on the property. This must be the owner or qualified family members' primary residence. <i>(Option modified to reflect Rent Board direction provided at the February 19, 2020, Regular Meeting)</i>
4. When an owner performs an Owner Move-In eviction on a unit that is part of a larger multi-unit building, should a policy exist that would require any future Owner Move-In evictions on the property to occur in that same unit?	No Owner Move-In evictions should be able to be conducted on any unit on the property, regardless of whether an Owner Move-In eviction has occurred on the property previously.	Yes When an owner lives in the building as a primary resident, the owner may move to another unit because of a reasonable accommodation. <i>Note: On September 16, 2020, Rent Program staff recommended removing policy question 4, due to legal concerns.</i>	Yes If an owner has recovered possession of the unit, future landlords may not recover possession for an Owner Move-In of any other unit on the property. Owners must select a unit which becomes the designated owner move-in unit.
5. When a Landlord notifies a former Tenant displaced due to Owner Move-In that the Rental Unit has been placed back on the rental market, how much time do you think the Tenant should have to respond that they would like to exercise their first right of refusal to return to the Rental Unit?	Yes The Tenant should have up to seven days to respond.	Yes The Tenant should have up to one month to respond.	Yes The Tenant should have up to one year to respond.

**OWNER MOVE-IN POLICY DIRECTION MATRIX
OCTOBER 21, 2020**

Options highlighted reflect policy directives received by the Rent Board at its November 20, 2019, December 18, 2019, January 15, 2020, and February 19, 2020, Regular Meetings.

POLICY QUESTION	OPTION 1	OPTION 2	OPTION 3
6. If the formerly displaced Tenant moves back into the Rental Unit after several years, should a policy exist that allows the Landlord to include the Annual General Adjustment rent increases in the amount of the rent charged?	No The initial rent when the Tenant moves back into the unit should be the amount of Rent that the Tenant was paying when they moved out.	Yes The initial rent when the Tenant moves back into the unit can be up to the Maximum Allowable Rent for the unit (calculated by adding each year's AGA to the Tenant's Base Rent, as if their tenancy had never been terminated.) This circumstance would be exempt from the Board's adopted banking limitations (Regulation 602).	Yes, but only after a properly-noticed rent increase The initial rent when the Tenant moves back into the unit should be the amount of Rent that the Tenant was paying when they moved out; however, the Landlord may increase the rent (with proper notice) up to the Maximum Allowable Rent (calculated by adding each year's AGA to the Tenant's Base Rent, as if their tenancy had never been terminated) subject to the Board's adopted banking limitations (Regulation 602).
7. How long do you think the Landlord and/or Rent Program should be required to maintain contact information for a formerly displaced Tenant due to an Owner Move-In, in the event that the Rental Unit is placed back on the rental market?	Yes Tenant's contact information should be maintained for a period of one year.	Yes Tenant's contact information should be maintained for a period of three years.	Yes Tenant's contact information should be maintained for as long as the obligation exists. <i>(Option modified to reflect Rent Board direction provided at the December 18, 2019, Regular Meeting)</i>
8. Who should hold the burden of maintaining contact information for the formerly displaced Tenant, in the event the Rental Unit is placed back on the rental market?	The Landlord who conducted the Owner Move-In eviction should be required to maintain records of the Tenant's contact information.	The Rent Program should be required to maintain records of the Tenant's contact information, which the Landlord could access in the event the Rental Unit is placed back on the rental market.	Both - the Landlord and the Rent Program should be required to maintain records of the Tenant's contact information. <i>The Board also directed staff to include in the proposed regulation that it shall be the sole responsibility of the Landlord to notify the Rent Program if the Rental Unit is placed back on the market.</i>
9. What types of additional forms or documentation should be required for compliance, if any? Should a policy exist that the Rent Program is responsible for monitoring compliance with the Owner Move-In requirements of the Rent Ordinance?	No Compliance forms are not required.	Yes (a) Landlords shall be required to complete a Statement of Occupancy Following Service of Owner or Relative Move-In Eviction Notice within 90 days of service of the notice of Termination of Tenancy, and shall be required to re-submit this form annually for a minimum of three years following the date upon which the Landlord moved into the unit. (b) Landlords shall be required to serve to the Tenant, along with the notice of termination of tenancy, a blank form for the Tenant's completion in which the Tenant can give notice to the Landlord of their interest in renewing the tenancy if the unit should ever be returned to the Rental Market. This form would only need to be completed once by the Tenant (if they are interested in renewing their tenancy), but would need to be re-submitted if there is a change in the Tenant's current contact information. The Tenant would be required to mail the completed form to the Landlord and file a copy with the Rent Program.	

Cynthia Shaw

From: S. Terris <soozieterr@gmail.com>
Sent: Tuesday, October 13, 2020 9:12 PM
To: Cynthia Shaw
Cc: Susan C Terris
Subject: Revised Proposed Owner Move-In Eviction Regulations - written comments

To: Rent Board Clerk Cynthia Shaw

Dear Ms. Shaw,

i'm writing to comment on the Revised Proposed Owner Move-In Eviction Regulations. I am a tenant living in Richmond, CA.

I'm disappointed to read these regulations. Why? Because as a Berkeley tenant, I experienced a tenant's nightmare. I lived in a rent-controlled apartment complex for 6 months when it was purchased by a group of new owners. These new owners dealt with us in a very dishonest and unkind manner - they deceived us. These owners knew just what they were doing to force us out. We were all working people, neighborly and good tenants; one was a couple with a new baby. These owners chose deceit in order to force us out, and they forced us out in the most unpleasant way possible. There really was no legal recourse for us. They were avoiding their legal responsibility to pay the tenants a move-out fee, which at the time was required if owners wanted to move in.

In the above Richmond regulations, I see the seeds of a future tenant's nightmare. From what I read, there seems to be a lot of room for the potential of deceit by an owner. I am concerned that the burden of proof of potential deceit is put on the tenants, who in the first place were already in a marginalized position. What tenant would want to move back in a previous apartment after 3 years of living elsewhere? I see no tenant protection here. This regulation clearly favors owners.

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I know there are also honest and good owners who really do need to move a family member into their dwelling. For them, it is certainly an understandable regulation.

From my vantage point as a tenant, the regulation is written with far too much wiggle room for potential monkey business for my comfort.

Thank you sincerely for listening to my comment.

Susan C Terris

soozieterr@gmail.com

“One touch of nature makes the whole world kin.”

Shakespeare

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Turner Newton
6323 W Dry Creek Road
Healdsburg, CA 95448
925-209-6878
htnewton@gmail.com

By Email

October 15, 2020

Richmond Rent Board
440 Civic Center Plaza, 2nd Floor
Richmond, CA 94804

Re: Owner Move-In Eviction Proposed Regulations

Dear Rent Board Members:

I own two single family homes in Richmond on one legal lot and as such the homes are subject to Richmond Just Cause for Eviction regulations. Due to the age of the homes, they are exempt from rent control pursuant the Costa-Hawkins Rental Housing Act.

In reading through the most recent draft of the proposed regulations pertaining to owner move-in evictions, the regulations impose a form of rent control on properties that are exempt from rent control under the Costa-Hawkins Rental Housing Act.

Specifically, Paragraph 5 of the latest draft of the proposed regulations requires an owner to "send the displaced Tenant a written offer to re-rent the Rental Unit at no more than the same Rent the Tenant was paying at the time of service of the notice of termination plus any applicable Annual General Adjustments...". The effect of this language is that, if any owner of an exempt rent controlled unit were to terminate the lease of a tenant in accordance with the requirements of the proposed regulations, then at such time as the subject rental unit were to be re-rented, the owner would be required to offer the former tenant the rental unit at same rent the tenant was paying at the time of service of the termination notice "plus any applicable Annual General Adjustments". Since rent control exempt properties are not subject to Annual General Adjustments, the owner of an exempt unit would be required to offer the unit to the former tenant at exactly the same rent that the tenant was paying at the time of service of notice of the lease termination, no matter how many years in the past the tenant had relocated.

I assume the intention of the regulations is not to impose rent control in violation of existing law. Therefore, would it not make sense to amend the proposed regulations to provide that if a tenant is displaced from a rental unit that is exempt from rent control, then at such time as the unit is re-rented the owner must offer the unit to the former tenant at the then fair market rent?

I am not a lawyer, but it may be that if the regulations are adopted as written they could be found to be in violation of California Civil Code 1954.52.

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If I have missed something in my reading or interpretation of the proposed regulations that leads to a different conclusion than reflected above, please clarify.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Turner Newton", with a long horizontal flourish extending to the right.

Turner Newton

Cynthia Shaw

From: Doss & Felix <doss_felix@yahoo.com>
Sent: Thursday, October 15, 2020 4:00 PM
To: Cynthia Shaw
Subject: please forward to Richmond Rent Board Members RE: OMI

Dear Rent Board Members

Thanks for the opportunity to add my 2 cents. I appreciate the time and energy you devote to this program.

RE: OMI evictions My questions or suggestions are in yellow or (****)below.

Please be mindful that some of us bought property as part of family planning. We are little fish. It is unnerving to think that we won't be able to move our relatives into the rental property when the time comes. When planning for multiple generations and their futures, we in 1988, when the property was purchased, pictured ownership as ownership. We assumed once the mortgage was paid, we would be in charge of our own destinies and not joined forever at the hip to our customers whom we strive to serve as best we can. We have essentially become responsible for our customers'/tenants' wellbeings and futures. We are fair and thoughtful housing providers. All these provisions assume we are not. Even though I oppose the notion of Richmond Rent Program as a necessary entity and think it is now redundant given the CA State rules, I will work within the system. Please understand that this is impactful of families. One needs to consider elderly parents, in-laws, grown children, disabled grown children. We are the sandwich generation. Please note the following suggestions/Questions to your proposed points:

5. ...send the displaced Tenant a written offer to re-rent the Rental Unit at no more than the same Rent the Tenant was paying at the time of service of the notice of termination plus any applicable Annual General Adjustments (****and any MNOI settlements occurring in that time) subject to the provisions of Richmond Regulation 602. ...

6. Failure to Respond to Landlord's Offering to Re-Rent the Rental Unit. The Tenant shall have thirty-days (30), plus any applicable time provided under California Code of Civil Procedure 1013(a), as amended,, to respond in writing to the Landlord's written offer for re-renting the Rental Unit. Upon responding in writing to the Landlord's offer, the Tenant shall file a copy of their written response with the Rent Program. A Tenant's failure to timely respond to a Landlord's offer to re-rent the Rental Unit that fully adheres to the provisions of Regulation 1010, shall extinguish the Right of First Refusal (****.How many days does tenant have to pay deposit and start paying rent???) Recommend the tenant has 30 days to take occupancy and submit deposit and rent. And what if they can no longer afford the unit? Should they not fill out an application to verify that they have the necessary funds?)

Thanks for your time and efforts. They are appreciated.

J A Doss