



REGULAR MEETING OF THE RENT BOARD OF THE CITY OF RICHMOND

AGENDA

Wednesday, November 18, 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/82634860096?pwd=QWNYeTdBVndCeUxuU1pobHdwRXh1UT09>

Step 2: Enter the following password: rentboard

By Telephone:

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

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

Step 2: Webinar ID: 826 3486 0096

International numbers available: <https://us02web.zoom.us/j/82634860096>

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, November 18, 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.

REGULAR MEETING OF THE RICHMOND RENT BOARD

AGENDA

5:00 PM

A. PLEDGE TO THE FLAG

B. ROLL CALL

C. STATEMENT OF CONFLICT OF INTEREST

D. AGENDA REVIEW

E. PUBLIC FORUM

F. RENT BOARD CONSENT CALENDAR

- | | | |
|-------------|---|---------------------|
| F-1. | APPROVE the minutes of the October 21, 2020, Regular Meeting of the Richmond Rent Board. | <i>Cynthia Shaw</i> |
| F-2. | RECEIVE the October 2020 Rent Program Monthly Report. | <i>Paige Roosa</i> |
| F-3. | RECEIVE the Rent Program FY 2020-21 Monthly Revenue and Expenditure Report through October 2020. | <i>Paige Roosa</i> |
| F-4. | RECEIVE the budgeted versus actual revenue and expenditures report for the first quarter ending September 30, 2020. | <i>Paige Roosa</i> |

G. CONSIDERATION OF APPEALS

- | | | |
|-------------|--|-------------------------|
| G-1. | Appellant appeals only the portion of the Hearing Examiner's Decision that awarded Respondents Excess Rent in the amount of \$18,944.01, based on the theory of Original Occupancy. Specifically, the Hearing Examiner found that Respondents were Original Occupants with a Base Rent of \$1,900, and that the Appellant's failure to roll back Respondents' Rent resulted in an Excess Rent charge of \$18,944.01. On Appeal, Appellant argues that "because there is no proof other than hearsay evidence that the Petitioners resided at | <i>Charles Oshinuga</i> |
|-------------|--|-------------------------|

the property prior to July 21, 2015, and certainly no proof that the owner was aware of the supposed tenancy, the petitioners must not be considered as Original Occupants. Therefore, under law, once all Original Occupants moved out, the Landlord had the right to enter into a new Rental Agreement at a higher agreed to rent amount with the Petitioner Shrestha as per the Rental Agreement signed by the Petitioner on Jan 2017.” The summation of Appellant’s assertions challenge whether the Record contained substantial evidence to warrant the Hearing Examiner’s decision related to Original Occupant status and Excess Rent thereof.

H. REGULATIONS

- H-1. (1) RECEIVE a presentation of policy options and a staff recommendation concerning the extent to which the Rent Program should facilitate the transfer of contact information between Tenants and Landlords to support a Tenant’s ability to exercise their right of first refusal to re-rent a unit from which they were previously evicted on the grounds of Owner Move-In; (2) PROVIDE direction to staff concerning proposed Regulation 1010; and (3) CONTINUE DISCUSSION on proposed Regulation 1009 in the context of Richmond Municipal Code Section 11.100.050(a)(6)(B).

Nicolas Traylor

I. REPORTS OF OFFICERS

J. 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: November 18, 2020

Final Decision Date Deadline: November 18, 2020

STATEMENT OF THE ISSUE: The minutes of the October 21, 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 October 21, 2020, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-1.

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RICHMOND, CALIFORNIA, October 21, 2020

The Open Session to Hear Public Comment before Closed Session was called to order at 5:00 P.M.

ROLL CALL

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

Staff Present: Staff Attorney Charles Oshinuga, Deputy Director Paige Roosa and Executive Director Nicolas Traylor.

Absent: Boardmember Finlay.

PUBLIC COMMENT BEFORE CLOSED SESSION

None.

ADJOURN TO CLOSED SESSION

The Open Session to Hear Public Comment before Closed Session adjourned at 5:03 P.M.

CLOSED SESSION – VIA VIDEOCONFERENCE

The Regular Meeting of the Richmond Rent Board was called to order at 5:14 P.M.

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/85205436302?pwd=eFgrS2RkT3BicUNWdXhCZUlxRk9lUT09>

Password: rentboard

Or By Telephone:

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

Webinar ID: 852 0543 6302

International numbers available:

<https://us02web.zoom.us/j/kc7gSx8mQU>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, October 21, 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, Vice Chair Gerould and Chair Maddock.

Staff Present: Staff Attorney Charles Oshinuga, Deputy Director Paige Roosa and Executive Director Nicolas Traylor.

Absent: Boardmember Finlay.

STATEMENT OF CONFLICT OF INTEREST

None.

REPORT FROM LEGAL COUNSEL ON FINAL DECISIONS MADE IN CLOSED SESSION

Staff Attorney Charles Oshinuga stated that the Rent Board met in closed session to discuss existing litigation. No final action was taken.

AGENDA REVIEW

None.

PUBLIC FORUM

Cordell Hindler commented by email, expressing that he feels ten people should be allowed to attend Rent Board meetings

in the Council Chambers so that the Rent Board can hear what the public has to say. He also requested that the topic of stipends for Rent Boardmembers for their service to the community be considered as a future meeting agenda item.

Iiona Clark was present and called to make a public comment, but due to technical difficulties, was unable to be heard by the Board and members of the public. In recognition of these technical difficulties, Chair Maddock allowed additional time for her to speak under Item I-2, under Regulations.

RENT BOARD CONSENT CALENDAR

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

*G-1. Approve the minutes of the August 19, 2020, Regular Meeting of the Richmond Rent Board. *This item was continued from the September 16, 2020, meeting.*

*G-2. Approve the minutes of the September 16, 2020, Regular Meeting of the Richmond Rent Board.

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

*G-4. Receive the September 2020 Rent Program Monthly Report.

*G-5. Receive the Rent Program FY 2019-20 Monthly Revenue and Expenditure Report through September 2020.

RENT BOARD AS A WHOLE

I-1. The matter to receive a presentation on Assembly Bill 3088 was presented by Staff Attorney Charles Oshinuga. The presentation included information regarding the purpose of the law, the components of AB 3088, Covid-19 Tenant Relief Act of 2020, what the Act does, Summons and Complaint, Notice of Rights, definitions, Notice of Termination of Tenancy for Nonpayment of Rent, Declaration of Covid-19 related financial distress, returning the declaration, high income Tenants, Unlawful Detainers, Unlawful Detainer Records, Small Claims, Contra Costa County Order and the recommended action. Discussion ensued.

There were no public comments on this item. The Board received the presentation and requested that staff provide an electronic copy of the presentation to Boardmembers. No formal action was taken on this item.

REGULATIONS

I-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 Ordinance was presented by Deputy Director Paige Roosa. The presentation included the background, the purpose of revised Chapter 2 Regulations, existing Regulations 205 and 206, the proposed process, summary of proposed amendments to Regulations 205 and 206, next steps and the recommended action. Discussion ensued. There were no public comments on this item. A motion by Vice Chair Gerould, seconded by Boardmember Conner 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 provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance, passed by the following vote: **Ayes:** Boardmember Conner, Vice Chair Gerould and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Boardmember Finlay.

I-2. The matter to consider adoption of proposed Owner Move-In Eviction Regulation 1010 and discuss proposed Owner Move-In Eviction Regulation 1009 in the context of Richmond Municipal Code Section 11.100.050(a)(6)(B) was presented by Executive Director Nicolas Traylor. The presentation included the statement of the issue and background, revisions to Regulation 1009 (B) 1, (D) 5, and (E): Owner Move-in Eviction Pursuant to RMC 11.100.050(a)(6), discussion on proposed Regulations that limit the number of Owner Move-in evictions to one per property which included a discussion of whether Section 11.100.050 (a) (6) (B) of the Rent Ordinance harmonizes with a policy limiting OMI evictions revisions, Regulation 1010: post Owner Move-in eviction requirements, revisions to Regulation 1010(B) 2, and (C), clarification on rental rate after an Owner Move-in eviction that included Regulations 701 (A) (1) (a), (A) (1) (5), 707 (B), and the recommended action. The following individuals gave comments: Marilyn Langlois and Ilona Clark. Discussion ensued. Boardmembers made the following requests of staff:

1010(C) 3: Boardmember Conner recommended that staff change the language to be less passive and to consider that the process mentioned in this section may be an additional burden on the owner to reach out to the tenant and may take too much time because the process to resolve the eviction noticing requirements within 30-days may not be enough time.

1010(C) 3: Chair Maddock recommended that staff remove the language in regards to the Rent Program facilitating an update of the change of address between the displaced Tenant and Landlord. The proposed language stated: “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 RMC Section 11.100.050(a) (6).” She expressed that the displaced Tenant should be responsible for providing any change of address to the Landlord.

1010 (C) 5: Chair Maddock recommended that staff remove the entire section that references 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. The proposed language states, “in such an event, the Rent Program shall seek 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.” She expressed that the displaced Tenant should be responsible for providing any change of address and communicate directly with the Landlord.

1010 (C) 3: Vice Chair recommended that the Rent Program maintain the contact information for the displaced Tenants, to minimize the Program’s back and forth communication between Tenants and Landlords, and to make the process more efficient. She also inquired about how other Rent Control jurisdictions involve themselves with helping Tenants and Landlords communicate about updated contact information.

Chair Maddock made a motion, seconded by Vice Chair Gerould, concerning adoption of proposed Owner Move-In Eviction Regulations 1010, directing staff to consider revising Regulation

1010 (C) 3 & (C) 5, so that the language outlines a role for the Rent Program that is less passive than currently proposed and that makes efficient use of staff time. Boardmember Conner made a friendly amendment to the original motion to also direct staff to consider how to be more efficient and balancing the Rent Board's obligation to assist in the process of maintaining contact information. The seconded motion was withdrawn by Vice Chair Gerould.

A new motion made by Chair Maddock, seconded by Vice Chair Gerould, concerning Regulation 1010(C) sections 3 and 5, directing staff to: (a) consult with other Rent Control jurisdictions regarding the maintenance of Tenant contact information and potentially rewrite sections 3 and 5; (b) consider the legal risk to the Rent Board of maintaining Tenant contact information and provide a recommendation to the Board regarding section 5; and (c) consider revising the language to make the process more efficient whereby Tenant contact information is provided to the Landlord, passed by the following vote: **Ayes:** Boardmember Conner, Vice Chair Gerould and Chair Maddock. **Noes:** None. **Abstentions:** None. **Absent:** Boardmember Finlay.

Concerning proposed Regulation 1009, no formal action was taken on this item. Boardmembers agreed to continue discussion on this item at a future Rent Board meeting.

REPORTS OF OFFICERS

Deputy Director Paige Roosa gave a brief report about the Community Workshop Webinar titled "Handling Habitability Problems" held on October 17, 2020. She also mentioned that a recording of the Community Workshop Webinar, along with all other Community Workshop Webinars presented during the Covid-19 pandemic, are accessible on the Rent Program website at <http://www.ci.richmond.ca.us/3541/Workshops>. She also reported that at the City Council meeting held on October 20, 2020, the Council approved allocating \$150,000 of their CARES Act funding to go to the Richmond Rapid Response Fund (R3F), \$100,000 of which has been allocated specifically for the Rent Assistance Program as part of the R3F. She also added that the Rent Program is working very closely with our partners to make sure that we have a program in place to be able to get that money into the hands of Richmond Landlords before the end of the year, which is the requirement for the CARES Act funding. She concluded stating that we will continue to keep the Board apprised of our progress.

Executive Director Nicolas Traylor added that we will be holding a community presentation on AB 3088 in November and will send out information to Boardmembers with the details.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:33 P.M.

Cynthia Shaw and Mónica Bejarano
Staff Clerks

(SEAL)

Approved:

Lauren Maddock, Chair

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: November 18, 2020

Final Decision Date Deadline: November 18, 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> | |

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 October 2020 Rent Program Monthly Report - Rent Program (Paige Roosa 620-6537).

AGENDA ITEM NO:

F-2.

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MEMORANDUM

TO: Executive Director Traylor and Members of the Rent Board

FROM: Paige Roosa, Deputy Director

DATE: November 18, 2020

SUBJECT: OCTOBER 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).

October Agency Highlights

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.

Public Information Unit staff provided over 680 counseling sessions, referred 26 families to legal service providers, and mailed 50 courtesy compliance letters primarily in response to inquiries from community members concerning the Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (AB 3088).

October was a particularly busy month for Public Information Unit staff members. In October alone, housing counselors Palomar Sanchez and Magaly Chavez conducted 683 counseling sessions, an increase of over 130 percent compared to October 2019. The increased demand for counseling was due in large part to The Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020 (AB 3088), signed into law on August 31, 2020. In part, AB 3088 protects tenants who are unable to pay rent due to financial impacts caused by Covid-19, if certain requirements are met. In addition to counseling members of the public, Public Information Unit staff members made important updates to our [Coronavirus and Rentals: What Richmond Tenants and Landlord Need to Know fact sheet](#), mailed courtesy compliance letters to landlords, continued outreach on social media, and scheduled a webinar on AB 3088 for community members in November. The Public Information Unit team certainly deserves recognition for continuing to meet the demands of the community despite there being two vacant counseling positions. Management staff are working with the City's Human Resources Department to fill these vacancies in the coming months.

NEW!

*The Tenant, Homeowner,
and Small Landlord Relief
and Stabilization
Act of 2020*

AB 3088

Protects qualifying tenants from eviction for non-payment of rent until February 2021.

Access more information, forms, and notices
on our website:
www.richmondrent.org

Questions? Contact the Richmond Rent Program
(510) 234-RENT (7368) | rent@ci.richmond.ca.us

440 Civic Center Plaza, Richmond, CA 94804-1630

Telephone: 510-234-RENT (7368) Fax: (510) 307-8149 www.richmondrent.org

The Richmond City Council approved an allocation of \$100,000 in City of Richmond CARES Act funding to support the Rent Assistance Program, an initiative of the Richmond Rapid Response Fund (R3F). At their meeting on October 20, 2020, Richmond City Councilmembers approved an item allocating \$100,000 of the City’s Coronavirus Relief Act Funds to the Richmond Rapid Response Fund’s Rent Assistance Program. This allocation represents the first major contribution specifically for the Rent Assistance Program. With this funding, and in partnership with SparkPoint Contra Costa, RCF Connects, Richmond Neighborhood Housing Services, and CHDC, approximately 20 Richmond families financially impacted by Covid-19 will receive a grant of up to \$5,000 to cover past due rent. Funds will be paid directly to the landlord no later than December 31, 2020. For more information about Rent Assistance resources available to Richmond households, please visit <http://www.ci.richmond.ca.us/4024/Rent-Assistance-Resources>.

Public Information Unit staff members hosted a community workshop webinar for Richmond Tenants. The October Community Workshop, titled “Handling Habitability Problems (Tenant-Oriented)” was hosted via Zoom Webinar to comply with State and local mandates prohibiting



social gatherings. Rent Program Staff Attorney and Public Information Unit Supervisor Palomar Sanchez conducted a workshop for Tenants covering topics such as housing inspections, relocation payment assistance, Rent Adjustment Petitions, how to document habitability concerns, and helpful tips for managing habitability issues. A total of 12 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 launched a series of social media efforts in October to educate the community about the Intersection of California Civil Codes with the Richmond Rent Ordinance. As part of their ongoing efforts to engage members of the public through our social media accounts, Rent Program Services Analyst Magaly Chavez and Administrative Aide Monica Bejarano developed an eight part series detailing the parameters of a variety of California Civil Codes and identifying how they intersect with the Richmond Rent Ordinance. The posts sought to guide community members in understanding their rights and responsibilities under State law and the Rent Ordinance. By the end of the month, we had gained 20 more followers on Instagram and 5 more likes on our Facebook page.



Summary of Activities

I. Department Unit Activities

PUBLIC INFORMATION UNIT	<i>Current Month Occurrences</i>	<i>Prior Year Occurrences (October 2019)</i>	<i>% Change from Prior Year (October 2019)</i>
Persons Assisted By Front Office Unit (without referral to an Analyst)	123	115	6.9%
Total Consultations Provided by a Rent Program Services Analyst	683	293	133.1%
Calls Received (Phone Counseling Sessions)	249		
Emails Received	434		
Walk-Ins (includes appointments)	0		
Total Consultations Provided in a Language other than English	217	52	317.3%
Consultations Provided in Spanish	217		
Consultations Provided in Cantonese	0		
Legal Service Referral Forms Completed	26	12	116.7%
Courtesy Compliance Letters Mailed	50	6	733.3%
Community Workshop Webinar Attendees (10/17/2020) Handling Habitability Problems (Tenant-Oriented)	12	27	-55.6%
Total Hard Copy Notices Processed	15	88	-83.0%
Hard Copy Rent Increase Notices Processed	6	84	-92.9%
Hard Copy Termination of Tenancy Notices Processed	9	4	125.0%

BILLING AND REGISTRATION UNIT	<i>Current Month Occurrences</i>	<i>Prior Year Occurrences (October 2019)</i>	<i>% Change from Prior Year (October 2019)</i>
Total Consultations with a Billing and Registration Unit Staff Member	69	132	-47.7%
Phone Call Consultations	41		
Email Consultations	28		
Enrollment/Tenancy Registration Packets Mailed	21	123	-82.9%
Enrollment Forms Processed	5	51	-90.2%
Invoices Generated	55	204	-73.0%
Payments/Checks Processed	142	874	-83.8%
Payments Returned	5	0	100.0%

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BILLING AND REGISTRATION UNIT (continued)	<i>Current Month Occurrences</i>	<i>Prior Year Occurrences (October 2019)</i>	<i>% Change from Prior Year (October 2019)</i>
Compliance Actions <i>(reviewing records, exemption statuses, owner addresses)</i>	15	48	-68.8%
Administrative Determinations of Applicability Issued	2	N/A	N/A
Rental Units Discovered <i>(not in database, but in existence)</i>	1	13	-92.3%
Property Information Updated	13	93	-86.0%
Total Monthly Revenue Collected <i>(10/01/2020 - 10/31/2020)</i>	\$234,277	\$1,079,364	-78.3%
Total Revenue Collected in FY 2020-21 <i>(through 10/31/2020)</i>	\$2,092,787	\$1,935,092	8.1%

LEGAL UNIT	<i>Current Month Occurrences</i>	<i>Prior Year Occurrences (October 2019)</i>	<i>% Change from Prior Year (October 2019)</i>
Public Records Act Requests Received	4	6	-33.3%
Owner Move-In Termination Notices Reviewed	2	2	0.0%

HEARINGS UNIT	<i>Current Month Occurrence s</i>	<i>Prior Year Occurrences (October 2019)</i>	<i>% Change from Prior Year (October 2019)</i>
Total Consultations with Hearings Unit Coordinator	51	45	13.3%
Calls/Placed Received <i>(Regarding Hearings and Petitions)</i>	17		
Emails Sent/Received <i>(Regarding Hearings and Petitions)</i>	34		
Total Landlord Petitions Received	2	2	0.0%
Landlord Petitions Based on Maintenance of Net Operating Income (MNOI) Received	1		
Requests for Administrative Determination of Exempt Status Received	1		
Total Tenant Petitions Received	0	2	-100.0%
Total "Other" Petitions Received	3	0	N/A
Requests for a Continuance of the Hearing Process Received	3		

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HEARINGS UNIT (continued)	<i>Current Month Occurrences</i>	<i>Prior Year Occurrences (October 2019)</i>	<i>% Change from Prior Year (October 2019)</i>
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>)	14	8	75.0%
Pending Tenant Petitions (<i>As of November 9, 2020</i>)	10		
Pending Landlord Petitions (<i>As of November 9, 2020</i>)	4		
Total Number of Cases Closed	3	3	0.0%
Cases Settled	1		
Decisions Ordered	1		
Cases Dismissed	1		

II. Online Notices Filed with the Rent Program

<i>Type of Form</i>	<i>Monthly Submissions/ Notices Filed</i>	<i>Prior Year Total (October 2019)</i>	<i>% Change from Prior Year (October 2019)</i>
Agent Authorization	0	0	N/A
Proof of Excess Rent Refund	0	4	-100%
Proof of Permanent Relocation Payment	0	2	-100%
Proof of Temporary Relocation Payment	0	0	N/A
Change in Terms of Tenancy Notices Filed	39	12	225.0%
Rent Increase Notices Filed	46	241	-80.91%
Termination Notices Filed ¹	128	233	-45.06%
<i>Applicable Just Cause for Eviction – Nonpayment of Rent</i>	111	223	-50.22%
<i>Applicable Just Cause for Eviction – Breach of Lease</i>	8	4	100%
<i>Applicable Just Cause for Eviction- Nuisance/ Failure to Give Access</i>	0	0	N/A
<i>Applicable Just Cause for Eviction – Owner Move In</i>	3	3	N/A
<i>Applicable Just Cause for Eviction- Nuisance</i>	6	2	200%

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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<i>Type of Form (continued)</i>	<i>Monthly Submissions/ Notices Filed</i>	<i>Prior Year Total (October 2019)</i>	<i>% Change from Prior Year (October 2019)</i>
<i>Applicable Just Cause for Eviction- Temporary Termination of Tenancy To Undertake Substantial Repairs</i>	0	1	-100%
Total Online Form Submissions	213	492	-56.71%

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: November 18, 2020

Final Decision Date Deadline: November 18, 2020

STATEMENT OF THE ISSUE: Utilizing the City's MUNIS software system, management staff are able to generate financial reports on a monthly basis detailing the Rent Program's revenues and expenditures. These reports allow management staff and the Rent Board to closely monitor the Program's financial circumstances.

INDICATE APPROPRIATE BODY

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

ITEM

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

RECOMMENDED ACTION: RECEIVE the Rent Program FY 2020-21 Monthly Revenue and Expenditure Report through October 2020 – Rent Program (Paige Roosa 620-6537).

AGENDA ITEM NO:

F-3.

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Rent Program
FY2020-21 Monthly Revenue and Expenditure Report

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FUND	ORG	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						
1018	11850065	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)	(234,276.50)								(2,092,787.10)	(516,268.90)	80.2%		
					TOTAL LICENSES, PRMITS&FEES	(2,609,056.00)	(2,609,056.00)	(210,035.00)	(715,808.00)	(932,667.60)	(234,276.50)								(2,092,787.10)	(516,268.90)	80.2%		
		36	INTEREST INCOME	361701	Interest			(7,785.37)			(1,854.42)								(9,639.79)	9,639.79	100.0%		
					TOTAL INTEREST INCOME			(7,785.37)			(1,854.42)								(9,639.79)	9,639.79	100.0%		
			OTHER REV/Bad Debt Recovery	364867	Revenue from Collections Agency				(7,785.37)	(2,540.28)	(6,167.59)								(16,493.24)	10,325.65	100.0%		
					TOTAL OTHER REVENUE				(7,785.37)	(2,540.28)	(6,167.59)								(16,493.24)	10,325.65	100.0%		
			TOTAL REVENUE		(2,609,056.00)	(2,609,056.00)	(217,820.37)	(715,808.00)	(932,667.60)	(242,298.51)									(2,102,426.89)	(506,629.11)	80.6%		
1018	11850065	40	SALARIES AND WAGES	400001	SALARIES & WAGES/Executive	667,048.00	667,048.00	55,587.34	55,587.34	55,587.34	55,587.34								222,349.36	444,698.64	33.3%		
1018	11850065	40	SALARIES AND WAGES	400002	SALARIES & WAGES/Mgmt-Local 21	303,316.00	303,316.00	15,501.88	15,501.88	15,501.88	15,501.88									59,327.41	243,988.59	19.6%	
1018	11850065	40	SALARIES AND WAGES	400003	SALARIES & WAGES/Local 1021	195,857.00	195,857.00	15,832.70	15,832.70	15,832.70	15,832.70									63,330.80	132,526.20	32.3%	
1018	11850065	40	SALARIES AND WAGES	400006	SALARIES & WAGES/PT- Temp	43,036.00	43,036.00	1,712.36	1,148.41	2,501.88	2,327.58									7,690.23	35,345.77	100.0%	
1018	11850065	40	SALARIES AND WAGES	400031	OVERTIME/General	6,000.00	6,000.00				36.12									301.00	5,699.00	100.0%	
1018	11850065	40	SALARIES AND WAGES	400048	OTHER PAY/bilingual Pay	9,402.00	9,402.00	773.68	854.23	827.38	900.53									3,355.82	6,046.18	35.7%	
1018	11850065	40	SALARIES AND WAGES	400049	OTHER PAY/Auto Allowance	4,200.00	4,200.00	350.00	350.00	350.00	350.00									1,400.00	2,800.00	33.3%	
1018	11850065	40	SALARIES AND WAGES	400050	OTHER PAY/Medical- in Lieu of																		
1018	11850065	40	SALARIES AND WAGES	400079	COMP ABSENCES/WC-Prof-Mgt-Tec																		
			TOTAL SALARIES AND WAGES		1,228,859.00	1,228,859.00	89,757.96	87,274.56	88,866.06	91,856.04										357,754.62	871,104.38	29.1%	
1018	11850065	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	1,340.12									5,227.35	10,894.65	32.4%	
1018	11850065	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	10,441.39										41,765.56	106,376.44	28.2%
1018	11850065	41	FRINGE BENEFITS	400106	P-ROLL BEN/Dental Insurance	16,258.00	16,258.00	1,217.00	1,217.00	1,217.00	1,217.00										4,868.00	11,390.00	29.9%
1018	11850065	41	FRINGE BENEFITS	400109	P-ROLL BEN/Employee Assistance	484.00	484.00	36.40	36.40	36.40	36.40										145.60	338.40	30.1%
1018	11850065	41	FRINGE BENEFITS	400110	P-ROLL BEN/Professional Dev-Mg	6,000.00	6,000.00																
1018	11850065	41	FRINGE BENEFITS	400111	P-ROLL BEN/Vision	2,123.00	2,123.00	161.00	161.00	161.00	161.00										644.00	1,479.00	30.3%
1018	11850065	41	FRINGE BENEFITS	400112	P-ROLL BEN/Life Insurance	3,717.00	3,717.00	291.40	291.40	291.40	291.40										1,165.60	2,551.40	31.4%
1018	11850065	41	FRINGE BENEFITS	400114	P-ROLL BEN/Long Term Disabilit	11,132.00	11,132.00	788.51	790.93	790.93	790.93										3,161.30	7,970.70	28.4%
1018	11850065	41	FRINGE BENEFITS	400116	P-ROLL BEN/Unemployment Ins	5,016.00	5,016.00	456.00	456.00	418.00	456.00										1,786.00	3,230.00	35.6%
1018	11850065	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%
1018	11850065	41	FRINGE BENEFITS	400118	P-ROLL BEN/Worker Comp-Injury Appt						337.62										337.62	(337.62)	100.0%
1018	11850065	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	1,388.93										5,415.25	8,914.75	37.8%
1018	11850065	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	6,194.52										24,869.34	55,687.66	30.9%
1018	11850065	41	FRINGE BENEFITS	400124	P-ROLL BEN/CON-MEDICL EE Share	(10,500.00)	(10,500.00)														24,869.34	(10,500.00)	0.0%
1018	11850065	41	FRINGE BENEFITS	400127	P-ROLL BEN/OPEB	44,703.00	44,703.00	3,550.81	3,527.68	3,584.03	3,563.89										14,226.41	30,476.59	31.8%
1018	11850065	41	FRINGE BENEFITS	400130	P-ROLL BEN/PARS Benefits			0.80	0.80	0.53	0.27										2.40	(2.40)	100.0%
1018	11850065	41	FRINGE BENEFITS	400131	P-ROLL BEN/CON-OPEB-EE Share	(9,600.00)	(9,600.00)														(9,600.00)	0.0%	
1018	11850065	41	FRINGE BENEFITS	400149	P-ROLL BEN/PERS-Misc	147,443.00	147,443.00	11,723.63	11,657.01	11,839.56	11,818.92										47,039.12	100,403.88	31.9%
1018	11850065	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	21,460.45										83,890.85	139,431.15	37.6%
			TOTAL FRINGE BENEFITS		701,499.00	701,499.00	58,987.54	56,850.42	60,697.60	59,508.84										236,044.40	465,454.60	33.6%	
1018	11850065	42	PROF & ADMIN SERVICES	400201	PROF SVCS/Professional Svcs	17,500.00	17,500.00	50.63	762.75	899.63	1,573.08												
1018	11850065	42	PROF & ADMIN SERVICES	400206	PROF SVCS/Legal Serv Cost	210,000.00	210,000.00														11,188.28	14,474.37	
1018	11850065	42	PROF & ADMIN SERVICES	400242	TRAVEL & TRNG/Mileage	204.00	204.00														149,994.00	149,994.00	
1018	11850065	42	PROF & ADMIN SERVICES	400243	TRAVEL & TRNG/Conf, Mtng Trng	1,224.00	1,224.00																
1018	11850065	42	PROF & ADMIN SERVICES	400245	TRAVEL & TRNG/Tuition Rmb/Cer	1,500.00	1,500.00																
1018	11850065	42	PROF & ADMIN SERVICES	400261	DUES & PUB/Memberships & Dues	800.00	800.00																
1018	11850065	42	PROF & ADMIN SERVICES	400262	DUES & PUB/Books & Subs	1,650.00	1,650.00																
1018	11850065	42	PROF & ADMIN SERVICES	400271	AD & PROMO/Advertising&Promo	200.00	200.00			279.66	143.59										423.25	(223.25)	
1018	11850065	42	PROF & ADMIN SERVICES	400272	AD & PROMO/Community Events	3,513.00	3,513.00																
1018	11850065	42	PROF & ADMIN SERVICES	400280	ADM EXP/Program Supplies	3,525.00	3,525.00			291.96	96.00												
			TOTAL PROF & ADMIN SERVICES		240,116.00	240,116.00	50.63	762.75	1,471.25	1,812.67											161,182.28	165,279.58	
1018	11850065	43	OTHER OPERATING	400231	OFF EXP/Postage & Mailing	25,432.00	25,432.00			3,063.35													
1018	11850065	43	OTHER OPERATING	400232	OFF EXP/Printing & Binding	27,181.00	27,181.00			1,326.46	102.40												
1018	11850065	43	OTHER OPERATING	400233	OFF EXP/Copying & Duplicating					235.94													
1018	11850065	43	OTHER OPERATING	400304	RENTAL EXP/Equipment Rental	8,000.00	8,000.00		185.73		799.18										4,243.89	5,228.80	
1018	11850065	43	OTHER OPERATING	400321	MISC EXP/Misc Contrib	3,000.00	3,000.00																
1018	11850065	43	OTHER OPERATING	400322	MISC EXP/Misc Exp	2,925.00	2,925.00																
1018	11850065	43	OTHER OPERATING	400341	OFF SUPP/Office Supplies	6,795.00	6,795.00			1,095.54	120.25												

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: November 18, 2020

Final Decision Date Deadline: November 18, 2020

STATEMENT OF THE ISSUE: As part of the Fiscal Year 2020-21 budget development process, management staff consulted with Kevin Harper, CPA, to implement a series of budgetary best practices for the Rent Program and Rent Board. As Kevin Harper advised in his March 12, 2020, memorandum, "a key element of an effective budget process is monitoring actual results against the budget throughout the year. This is done on a quarterly basis to allow management time to make adjustments if necessary to expenditures, policies or operations." In accordance with Kevin Harper's advice, staff have prepared the report for the first quarter ending in September 2020 for the Board's receipt.

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 Budgeted Versus Actuals Revenue and Expenditures Report for the first quarter ending September 30, 2020 – Rent Program (Nicolas Traylor/Paige Roosa 620-6564).

AGENDA ITEM NO:

F-4.

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AGENDA REPORT

DATE: November 18, 2020

TO: Chair Maddock and Members of the Rent Board

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

SUBJECT: FIRST QUARTER (Q1) BUDGETED VERSUS ACTUAL REPORT

STATEMENT OF THE ISSUE:

As part of the Fiscal Year 2020-21 budget development process, management staff consulted with Kevin Harper, CPA, to implement a series of budgetary best practices for the Rent Program and Rent Board. As Kevin Harper advised in his March 12, 2020, memorandum, “a key element of an effective budget process is monitoring actual results against the budget throughout the year. This is done on a quarterly basis to allow management time to make adjustments if necessary to expenditures, policies or operations.” In accordance with Kevin Harper’s advice, staff members have prepared the report for the first quarter ending in September 2020 for the Board’s receipt.

RECOMMENDED ACTION:

RECEIVE the budgeted versus actual revenue and expenditures report for the first quarter ending September 30, 2020 – Rent Program (Nicolas Traylor/Paige Roosa 620-6564).

FISCAL IMPACT:

There is no fiscal impact of receiving this report, other than that it supports the Rent Board’s ability to monitor program revenues and expenditures on a regular basis.

DISCUSSION:

Background

As part of the Fiscal Year 2020-21 budget development process, management staff consulted with Kevin Harper, CPA, to implement a series of budgetary best practices for the Rent Program and Rent Board. As Kevin Harper advised in his March 12, 2020, memorandum, “a key element of an effective budget process is monitoring actual

ITEM F-4

results against the budget throughout the year. This is done on a quarterly basis to allow management time to make adjustments if necessary to expenditures, policies or operations. The best way to monitor budget vs. actual results is to prepare a quarterly financial report that is reviewed by management and the Board. Although this budget vs. actual report is an internal management document, it should be reviewed by the Rent Board at a public meeting.”

The City of Richmond and Richmond Rent Program operate on a fiscal year schedule which begins on July 1 and ends on June 30. In this scheme, each month is considered a “period,” and there are three periods in each quarter of the fiscal year. The periods and months within each quarter are shown in the table below.

Quarter	Periods (Months)
1	1-3 (July, August, September)
2	4-6 (October, November, December)
3	7-9 (January, February, March)
4	10-12 (April, May, June)

Description of Significant Variances

In his memorandum, Kevin Harper explained that a central purpose of the budgeted versus actual reports is to identify, explain, and document, significant variances between budgeted and actual amounts. He further noted that it is important to quantify those variances that are explained, and that it is more advantageous to thoroughly research and explain very large variances than to do a more cursory explanation of many variances. Following this recommendation, staff members have researched and prepared explanations of variances at or below 25 percent in the report.

The greatest variances between budgeted and actual expenses in the first quarter of the 2020-21 fiscal year are due in large part to the ongoing effects of the Covid-19 pandemic. The pandemic has significantly impacted the nature of our work; for example, all workshops and community events are now held remotely, eliminating the need for refreshments, promotional materials, and supplies. The pandemic has also delayed the process of filling vacancies in the Public Information Unit as well as projects that were budgeted to occur in the first quarter, such as the printing and mailing of the Guide to Rent Control. Management staff are working diligently to fill vacant positions and make progress on projects that have been delayed by the pandemic. As such, at this time staff members do not recommend making any amendments to the existing budget.

DOCUMENTS ATTACHED:

Attachment 1 – Q1 Budgeted Versus Actuals Report

**ITEM F-4
ATTACHMENT 1**

**RICHMOND RENT PROGRAM
BUDGET VS ACTUAL REPORT - REVENUES AND EXPENDITURES
QUARTER ENDED SEPTEMBER 30, 2020**

	QUARTER ENDED 09/30/2020			YEAR-TO-DATE 09/30/2020			VARIANCE EXPLANATION (a)
	BUDGET	ACTUAL	VARIANCE	BUDGET	ACTUAL	VARIANCE	
REVENUES							
Fees (includes revenue from collections agency)	\$ 1,826,339	\$ 1,868,836	\$ 42,497	\$ 1,826,339	\$ 1,868,836	\$ 42,497	
Investment Income	-	7,785	7,785	-	7,785	7,785	Budget did not account for interest income
TOTAL REVENUES	1,826,339	1,876,622	50,282	1,826,339	1,876,622	50,282	
EXPENDITURES							
Salaries & Wages							
SALARIES & WAGES/Executive	168,096	166,762	1,334	168,096	166,762	1,334	
SALARIES & WAGES/Mgmt-Local 21	75,968	42,506	33,462	75,968	42,506	33,462	Two vacant housing counselor positions
SALARIES & WAGES/Local 1021	49,779	47,498	2,281	49,779	47,498	2,281	
SALARIES & WAGES/PT- Temp	10,759	5,363	5,396	10,759	5,363	5,396	Hours for one admin student intern significantly decreased
OVERTIME/General	1,500	265	1,235	1,500	265	1,235	Employees opted for comp time in lieu of OT pay
OTHER PAY/Bilingual Pay	3,060	2,455	604	3,060	2,455	604	
OTHER PAY/Auto Allowance	1,050	1,050	-	1,050	1,050	-	
OTHER PAY/Medical- in Lieu of	612	-	612	612	-	612	Category not included in budget
COMP ABSENCES/WC-Prof-Mgt-Tec	1,047	-	1,047	1,047	-	1,047	No expenditures this quarter
Subtotal Salaries & Wages	311,870	265,899	45,972	311,870	265,899	45,972	
Benefits							
P-ROLL BEN/Medicare Tax-ER Shr	4,155	3,887	268	4,155	3,887	268	
P-ROLL BEN/Health Insurance Be	37,864	31,324	6,540	37,864	31,324	6,540	
P-ROLL BEN/Dental Insurance	4,196	3,651	545	4,196	3,651	545	
P-ROLL BEN/Employee Assistance	124	109	15	124	109	15	
P-ROLL BEN/Professional Dev-Mg	1,041	-	1,041	1,041	-	1,041	Budgeted estimate was conservative
P-ROLL BEN/Vision	548	483	65	548	483	65	
P-ROLL BEN/Life Insurance	1,113	874	239	1,113	874	239	
P-ROLL BEN/Long Term Disabilit	2,591	2,370	221	2,591	2,370	221	
P-ROLL BEN/Unemployment Ins	1,633	1,330	303	1,633	1,330	303	
P-ROLL BEN/Personal/Prof Dev	197	1,500	(1,303)	197	1,500	(1,303)	Increased professional development expenses due to remote work
P-ROLL BEN/Worker Comp-Clerica	2,569	4,016	(1,448)	2,569	4,016	(1,448)	Budgeted estimate underestimated WC costs
P-ROLL BEN/Worker Comp-Prof	15,937	18,675	(2,738)	15,937	18,675	(2,738)	
P-ROLL BEN/OPEB	11,036	10,663	373	11,036	10,663	373	
P-ROLL BEN/PARS Benefits	134	2	132	134	2	132	Budgeted estimate was conservative
P-ROLL BEN/PERS-Misc	35,487	35,220	267	35,487	35,220	267	
P-ROLL BEN/PERS-Misc (UAL)	60,098	62,430	(2,333)	60,098	62,430	(2,333)	
Subtotal Benefits	178,724	176,536	2,188	178,724	176,536	2,188	
Professional & Administrative Services							
PROF SVCS/Professional Svcs	4,375	1,713	2,662	4,375	1,713	2,662	Covid-19 pandemic delayed projects such as Guide to Rent Control
PROF SVCS/Legal Serv Cost	52,500	-	52,500	52,500	-	52,500	No need for legal assistance in Q1
PROF SVCS/Info Tech Services	-	-	-	-	-	-	
AD & PROMO/Advertising&Promo	50	280	(230)	50	280	(230)	Funds spent on "boosting" social media posts as a means of outreach
AD & PROMO/Community Events	878	-	878	878	-	878	No community events held in person due to Covid-19
ADM EXP/Program Supplies	881	292	589	881	292	589	No community events held in person due to Covid-19
Subtotal Professional & Admin Services	58,685	2,285	56,400	58,685	2,285	56,400	
Travel, Training & Professional Dues							
TRAVEL & TRNG/Meal Allowance	51	-	51	51	-	51	No travel due to Covid-19
TRAVEL & TRNG/Mileage	306	-	306	306	-	306	No travel due to Covid-19
TRAVEL & TRNG/Conf, Mtng Trng	-	-	-	-	-	-	
TRAVEL & TRNG/Tuition Rmb/Cer	-	-	-	-	-	-	
DUES & PUB/Memberships & Dues	-	-	-	-	-	-	
DUES & PUB/Subscription	-	-	-	-	-	-	
Subtotal Travel, Training & Professional Dues	357	-	357	357	-	357	
Other Operating Expenditures							
OFF EXP/Postage & Mailing	6,358	3,063	3,295	6,358	3,063	3,295	Covid-19 pandemic delayed projects such as Guide to Rent Control
OFF EXP/Printing & Binding	6,795	1,326	5,469	6,795	1,326	5,469	Covid-19 pandemic delayed projects such as Guide to Rent Control
OFF EXP/Copying & Duplicating	-	236	(236)	-	236	(236)	
RENTAL EXP/Equipment Rental	2,000	186	1,814	2,000	186	1,814	Remote work significantly decreased printing activity
MISC EXP/Misc Contrib	-	-	-	-	-	-	
MISC EXP/Misc Exp	731	-	731	731	-	731	Budgeted estimate was conservative
OFF SUPP/Office Supplies	1,699	1,096	603	1,699	1,096	603	Remote work significantly decreased use of office supplies
OFF SUPP/Computer Supplies	-	-	-	-	-	-	
UTILITIES/Tel & Telegraph	71	-	71	71	-	71	Budgeted estimate was conservative
PROV FR INS LOSS/Ins Gen Liab	8,865	7,915	950	8,865	7,915	950	
COST POOL/(ISF)-Gen Liability	23,272	17,376	5,896	23,272	17,376	5,896	Budgeted estimate was conservative
COST POOL/(CAP)- Admin Charges	13,120	12,862	258	13,120	12,862	258	
COST POOL/(IND)Civic Ctr Alloc	11,991	12,570	(579)	11,991	12,570	(579)	
NONCAP ASST/Comp Hrdware<5K	-	-	-	-	-	-	
NONCAP ASST/Furniture <5k	-	-	-	-	-	-	
Subtotal Other Operating Expenditures	74,902	56,630	18,272	74,902	56,630	18,272	
TOTAL EXPENDITURES	624,538	501,349	123,189	624,538	501,349	123,189	
EXCESS OF REVENUES OVER (UNDER) EXPEND	\$ 1,201,801	\$ 1,375,273	\$ (72,907)	\$ 1,201,801	\$ 1,375,273	\$ (72,907)	

(a) Variance explanations are provided where the actual figure varies from the budgeted figure by twenty five percent or more.

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: November 18, 2020

Final Decision Date Deadline: November 18, 2020

STATEMENT OF THE ISSUE: At their meeting on October 21, 2020, members of the Rent Board received a presentation on revised, proposed Owner Move-In eviction regulations and further discussed proposed Regulation 1009 (which would limit Landlords to one owner move-in eviction per property), specifically 1009 (C) 1 in the context of Richmond Municipal Code Section 11.100.050 (a) (6) (B). The Board opted to continue discussion of 1009 (C) 1 at the next Board meeting and directed staff to perform additional research on how similar jurisdictions address recording and tracking a Tenant's right of first refusal to re-rent when a rental unit becomes available following an Owner Move-In eviction to inform Regulation 1010. Staff members have conducted the requested research for the Board's consideration.

INDICATE APPROPRIATE BODY

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

ITEM

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

RECOMMENDED ACTION: (1) RECEIVE a presentation of policy options and a staff recommendation concerning the extent to which the Rent Program should facilitate the transfer of contact information between Tenants and Landlords to support a Tenant's ability to exercise their right of first refusal to re-rent a unit from which they were previously evicted on the grounds of Owner Move-In; (2) PROVIDE direction to staff concerning proposed Regulation 1010; and (3) CONTINUE DISCUSSION on proposed 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:

H-1.

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AGENDA REPORT

DATE: November 18, 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 October 21, 2020, members of the Rent Board received a presentation on revised, proposed Owner Move-In eviction regulations and further discussed proposed Regulation 1009 (which would limit Landlords to one owner move-in eviction per property), specifically 1009 (C) 1 in the context of Richmond Municipal Code Section 11.100.050 (a) (6) (B). The Board opted to continue discussion of 1009 (C) 1 at the next Board meeting and directed staff to perform additional research on how similar jurisdictions address recording and tracking a Tenant's right of first refusal to re-rent when a rental unit becomes available following an Owner Move-In eviction to inform Regulation 1010. Staff members have conducted the requested research for the Board's consideration.

RECOMMENDED ACTION:

(1) RECEIVE a presentation of policy options and a staff recommendation concerning the extent to which the Rent Program should facilitate the transfer of contact information between Tenants and Landlords to support a Tenant's ability to exercise their right of first refusal to re-rent a unit from which they were previously evicted on the grounds of Owner Move-In; (2) PROVIDE direction to staff concerning proposed Regulation 1010; and (3) CONTINUE DISCUSSION on proposed 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 4). 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. This category of terminations is commonly referred to as "Owner Move-In evictions," or "OMI" evictions.

Policy Direction Provided by the Board

At their October 21, 2020, Regular Meeting of the Rent Board, Boardmembers reviewed revised, proposed regulations 1009 and 1010 based on the direction provided to staff at the September 16, 2020, Regular Meeting of the Rent Board. The Board's directives included the following revisions:

- 1009(B) 1: Clarify language to explicitly specify that 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. Staff explained how under the Richmond Rent Ordinance and its regulations, the Rent amount following an Owner Move-In eviction reverts to the Maximum Allowable Rent in effect at the time the Owner Move-In eviction occurred plus any applicable Annual General Adjustments.
- 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.

Further Policy Direction Provided at the October 21, 2020 Regular Meeting of the Rent Board

At the October 21, 2020, Regular Meeting of the Rent Board, Boardmembers discussed the extent to which the Rent Program should be involved in informing a Landlord who performed an OMI eviction of any updates to a Tenant's permanent address. The Board debated whether or not Tenants should be required to inform the Rent Program of any change in permanent address so that they can exercise their right of first refusal should the unit ever be returned to the rental market. The Board and staff have heard, as part of the Owner Move-In workshops and focus groups, strong interest from both Landlords and Tenants to have the Rent Program facilitate communication between the Landlord and Tenant, both in instances when the Tenant has a change to their permanent address and when a Landlord is ready to reoffer the unit for rent.

In discussing the issue of how involved the Rent Program should be in ensuring the right of first refusal requirements of the Rent Ordinance are met, the Board directed staff to conduct additional research to understand how similar rent control jurisdictions handle the issue of facilitating the update of the change of address between a displaced Tenant and the Landlord.

Right of First Refusal Requirement

Section 11.100.060(c) of the Rent Ordinance bestows a Tenant with an automatic and indefinite first right of refusal to reoccupy the unit should it ever be returned to the rental market. This right is only extinguished upon a Tenant's failure to affirm their interest in renewing the tenancy after the Landlord has made a good faith effort to contact the Tenant to alert them of the opportunity. Therefore, it is quite possible that many years may pass before a rental unit becomes available after an owner move-in eviction and, in some cases, the property may have transferred between several owners before a Tenant could exercise their right of first refusal to re-rent the unit. As such, the Rent Program could play an important role in helping Landlords and Tenants properly exercise their rights and responsibilities.

Case Study Research

Research conducted on peer rent control jurisdictions reveals varying degrees of involvement in terms of the extent to which rent control agencies assist Landlords and Tenants with ensuring that the most up to date contact information is available. Of the three agencies studied, Santa Monica's approach was the most passive, West Hollywood's approach was moderately robust, and Berkeley's was the most active. Interestingly, none of the three agencies studied require a Tenant to update their information with their respective Programs.

A summary of the involvement of each case study jurisdiction in assisting Tenants and Landlords with the maintenance of up to date contact information is provided below.

Santa Monica

In Santa Monica, a Tenant is not *required* to inform the Santa Monica Rent Stabilization Board (RSB) of any permanent address change, but the Santa Monica RSB will record any update to a Tenant's address submitted by the Tenant in its property file/records. The Santa Monica RSB does not involve itself with contacting the Landlord in the case that there is an update of the displaced Tenant's contact or permanent address.

West Hollywood

The West Hollywood Rent Program addresses the issue of updating the Tenant's permanent address by requiring the Landlord to serve an Owner Move-In notice that has language advising the Tenant to notify the Landlord of future address changes. This requirement is contained in the City's Rent Stabilization Ordinance. The language required in the notice must also advise the Tenant to file a copy of any notice of interest in re-renting the unit with the City of West Hollywood Rent Stabilization Program and Housing Department within 30 days of the notice being served to avoid extinguishing their right of first refusal to re-rent. West Hollywood does not contact the Landlord if the Tenant updates their permanent address; Landlords are expected to check with the Rent Program to obtain the Tenant's current address before attempting to make contact.

Berkeley

The Berkeley Rent Stabilization Board does not require, but encourages, Tenants to submit their request for first right of refusal and file their current permanent address with the Berkeley Rent Stabilization Program. Upon receiving a notice of termination of tenancy for Owner Move-In, Berkeley sends both the Landlord and Tenant a packet that includes a form for the Tenant to complete to request their first right of refusal. The form indicates that a Tenant should send a copy of the form to their Landlord and recommends that the Tenant also submit a copy with the Berkeley Rent Stabilization Program. Although not a rule, as a practice in Berkeley, when a Tenant updates their permanent address with the Berkeley Rent Stabilization Program, this information is

filed in an Owner Move-In file for the property and Rent Program staff forward this updated contact information to the Landlord.

How involved should the Richmond Rent Program be in assisting the facilitation of the Tenant's current contact information between Landlords and Tenants?

Feedback gleaned from the community through surveys, focus groups, and workshops, revealed a desire for the Rent Program to assist Landlords and Tenants by acting as the hub of information and, more specifically, informing the Landlord if and when a Tenant's contact information changes. The overwhelming sentiment expressed by both Landlords and Tenant was that the Rent Program should actively assist in the exchange of contact information.

Since a majority of Richmond Landlords and Tenants remain unfamiliar with the detailed requirements of the Rent Ordinance, the Rent Program continues to play a vital role in resolving conflicts and clarifying the requirements of the law for all parties. The demographics of Richmond's Landlord and Tenant communities also supports the need for the Rent Program to play a more active role in facilitating communication between Landlords and Tenants. Richmond is home to a significant number of monolingual Spanish speakers as well as many low-income residents who may lack the necessary resources to assert their legal rights under the Rent Ordinance. Furthermore, as reported in the 2018-19 Rent Program Annual Report, 92 percent of Richmond Landlords own fewer than five rental units, suggesting that many Landlords are operating their rental businesses as small, family businesses and would likely benefit from additional support from the Rent Program to make sure they are in compliance with the law.

Based on these facts, staff recommend the Board adopt a policy where (1) the Rent Program does not require, but strongly encourages, Tenants to update the Rent Program of any changes to their contact information, and (2) the Rent Programs actively assists in facilitating the exchange of this updated contact information between Tenants and Landlords.

Staff members also recommend that the Board include in the regulation a requirement for the Program to annually mail a notice to Tenants displaced on the grounds of an Owner Move-In reminding them of their right of first of refusal and the requirement that they must update the Landlord if their contact information changes. The notice would also remind Tenants that they may opt to inform the Rent Program of any changes to their contact information and inform the Tenant of their Maximum Allowable Rent for the unit if it were offered for rent.

Staff Recommend Further Discussion of Regulation 1009 (C) 1

Prior to presenting the revised proposed changes to Regulation 1009, staff members recommend that the Board continue to discuss Regulation 1009 (C) 1 in the context of

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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) is consistent with Richmond Municipal Code Section 11.100.050(a)(B)(6).

Next Steps

Upon receipt of further policy direction from the Rent Board, staff members will prepare revised regulations for the Board's consideration at their Regular Meeting in December.

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 – Proposed Compliance Process and Estimated Fiscal Impact

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 H-1 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 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,

ITEM H-1 ATTACHMENT 2

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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OMI Compliance Process (Applies to All Rental Units)

Landlord serves Tenant with a notice of termination of tenancy for Owner Move-In. The notice includes a **Notice of Interest in Renewing Tenancy form**, which the Tenant can complete to inform the Landlord of their interest in re-renewing the Tenancy if the rental unit becomes available.



Rent Program staff review the notice and send a letter to the Landlord and Tenant explaining their respective rights and obligations associated with an OMI eviction



Within 90 days of the date of service of the notice of termination of tenancy, the Landlord is required to file a **Statement of Occupancy form** with the Rent Program (this form must be re-completed annually for three years)



For five years following the OMI eviction, Rent Program staff send a postcard to the former rental unit, notifying unauthorized occupants (e.g. another Tenant) that they should contact the Rent Program



If it is determined that the unit has been re-rented before the three year period expires, Rent Program staff (1) follow up with the Landlord about Property Enrollment and Tenancy Registration requirements and (2) notify the former Tenant of their right to pursue legal action

Estimated Fiscal Impact to the Rent Program of Proposed Compliance Process: 0.1 FTE

- **0.05 FTE Staff Attorney**
 - Review notice of termination
 - Follow up with community members if potential defects are identified
- **0.05 FTE Administrative Aide**
 - Draft Notice of Interest in Renewing Tenancy and Statement of Occupancy forms
 - Prepare and send Rights and Obligations Letter
 - Prepare and mail OMI postcard
 - Maintain records

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