

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: December 16, 2020

Final Decision Date Deadline: December 16, 2020

STATEMENT OF THE ISSUE: As currently written, Regulation 601(A)(1), adopted by the Rent Board on June 17, 2017, incorrectly states that Landlords, in order to apply an Annual General Adjustment rent increase, must file a copy of the notice of rent increase with the Rent Board prior to service on the Tenant. Instead, in accordance with Regulation 603(A), adopted by the Rent Board on September 20, 2017, Landlords are required to file a copy of the notice of rent increase with the Rent Board within ten business days after service on the Tenant. Staff members have prepared an amendment to Regulation 601(A)(1) for the Rent 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> | |

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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: AMEND Regulation 601(A)(1) to maintain consistency with Regulation 603(A), requiring that Landlords of Controlled Rental Units file a copy of a notice of rent increase with the Rent Board within ten business days after service on the Tenant – Rent Program (Paige Roosa/Charles Oshinuga 620-6537).

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AGENDA REPORT

DATE: December 16, 2020

TO: Chair Maddock and Members of the Rent Board

FROM: Paige Roosa, Deputy Director
Charles Oshinuga, Staff Attorney

SUBJECT: AMENDMENT TO REGULATION 601(A)(1)

STATEMENT OF THE ISSUE:

As currently written, Regulation 601(A)(1), adopted by the Rent Board on June 17, 2017, incorrectly states that Landlords, in order to apply an Annual General Adjustment rent increase, must file a copy of the notice of rent increase with the Rent Board prior to service on the Tenant. Instead, in accordance with Regulation 603(A), adopted by the Rent Board on September 20, 2017, Landlords are required to file a copy of the notice of rent increase with the Rent Board within ten business days *after* service on the Tenant. Staff members have prepared an amendment to Regulation 601(A)(1) for the Rent Board's consideration.

RECOMMENDED ACTION:

AMEND Regulation 601(A)(1) to maintain consistency with Regulation 603(A), requiring that Landlords of Controlled Rental Units file a copy of a notice of rent increase with the Rent Board within ten business days after service on the Tenant – Rent Program (Paige Roosa/Charles Oshinuga 620-6537).

FISCAL IMPACT:

There is no fiscal impact to this correction to an existing regulation.

DISCUSSION:

Background

Section 11.100.060(s)(1) of the Rent Ordinance requires that Landlords file a copy of all rent increase notices, change of terms of tenancy, and termination of tenancy notices with the Board before serving the tenant the notice, and further requires that a proof of

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service with time and date of service of notice be included with the copy of the notice filed with the Board.

Regulation 601(A), adopted by the Rent Board on June 17, 2017, describes the conditions that must be satisfied for a Landlord to apply an Annual General Adjustment rent increase. Among these conditions is the requirement that the Landlord file a copy of the notice of rent increase with the Rent Board prior to service on the Tenant.

To fulfill the requirement that the Landlord include a proof of service with time and date of service on the Tenant, the Landlord must have already served the notice on the Tenant. Given this fact, on September 20, 2017, the Rent Board adopted Regulation 603(A) to clarify that a copy of the notice must be filed with the Board *after* service on the Tenant. The language adopted by the Board in September 2017 conflicts with the language of Regulation 601(A)(1) adopted by the Board in June 2017. Staff members therefore recommend that the Board amend 601(A)(1) to maintain consistency with Regulation 603(A).

Next Steps

In accordance with Regulation 323, the proposed amendment to Regulation 601(A)(1) would become effective January 15, 2021 (thirty calendar days from the date of the Board meeting). Staff members do not anticipate additional implementing actions will be necessary, considering the minor nature of the revision.

DOCUMENTS ATTACHED:

Attachment 1- Proposed Amendment to Regulation 601(A)(1) (revisions in track changes)

Attachment 2- Proposed Amendment to Regulation 601(A)(1) (clean)

601. Conditions for taking the Annual General Adjustment

A. A Landlord may increase Rent by the Annual General Adjustment for, only if the Landlord:

- (1) ~~Serves the Tenant with a legally required Notice of a Rent increase under State law~~Files a copy of the notice of the rent increase with the Board before serving the Tenant with such notice;
- (2) ~~Files a copy of the Notice of the Rent increase and Proof of Service of such notice with the Board in a manner consistent with Regulation 603~~Serves the Tenant with a legally required notice of a rent increase under State law; and
- (3) ~~Files with the Board a copy of the proof of service of such notice to the Tenant. Richmond Municipal Code Section 11.100.060(s)(1); and~~Is in full compliance with the provisions of the Richmond Fair Rent, Just Cause For Eviction and Homeowner Protection Ordinance, including Rent Board Final Decisions and Orders; and
- (4) ~~The landlord is~~Is otherwise entitled to the adjustment pursuant to the provisions of the Richmond Fair Rent, Just Cause For Eviction and Homeowner Protection Ordinance, and any other applicable Regulation.

[Formerly Regulation 17-05; adopted June 21, 2017; amended December 16, 2020]

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601. Conditions for taking the Annual General Adjustment

A. A Landlord may increase Rent by the Annual General Adjustment for, only if the Landlord:

- (1) Serves the Tenant with a legally required Notice of a Rent increase under State law;
- (2) Files a copy of the Notice of the Rent increase and Proof of Service of such notice with the Board in a manner consistent with Regulation 603; and
- (3) Is in full compliance with the provisions of the Richmond Fair Rent, Just Cause For Eviction and Homeowner Protection Ordinance, including Rent Board Final Decisions and Orders; and
- (4) Is otherwise entitled to the adjustment pursuant to the provisions of the Richmond Fair Rent, Just Cause For Eviction and Homeowner Protection Ordinance, and any other applicable Regulation.

[Formerly Regulation 17-05; adopted June 21, 2017; amended December 16, 2020]

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