



REGULAR MEETING OF THE RENT BOARD OF THE CITY OF RICHMOND

AGENDA
Wednesday, June 16, 2021

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

Board Chair
Virginia Finlay

Board Vice Chair
Shiva Mishek

Boardmembers
Alana Grice Conner
Carole Johnson
Michael Vasilas

**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/82056074052?pwd=cWhCM0xXSzFkKytzclJSL3ZhVVJuZz09>

Step 2: Enter the following password: rentboard

By Telephone:

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

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

Step 2: Webinar ID: 820 5607 4052

International numbers available: <https://us02web.zoom.us/j/82056074052>

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, June 16, 2021**. 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 May 19, 2021, Regular Meeting of the Richmond Rent Board. *Cynthia Shaw*

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

F-3. RECEIVE the Fiscal Year 2020-21 Monthly Activity Report through May 2021. *Cynthia Shaw*

F-4. RECEIVE the Rent Program FY 2020-21 Monthly Revenue and Expenditure Report through May 2021. *Nicolas Traylor*

G. CONSIDERATION OF APPEALS

G-1. Appellant appeals a Hearing Examiner's Decision that awarded Respondent Excess Rent in the amount of \$3,532.22, based on the notion that the Appellant failed to maintain installed heating facilities in good working order, and caused a reduction in both refrigeration and ventilation services, impairing Respondent's use and/or benefit of the Rental Unit. On Appeal, Appellant argues that any complained of defects were timely *Charles Oshinuga*

repaired and any otherwise delay was the product of the Respondent's scheduling issues. As to the ventilation services, Appellant contends that Respondent did not meet her burden at the hearing as she failed to demonstrate that she provided Appellant with notice related to the decrease in ventilation services and she failed to demonstrate that the change in skylight contributed to the alleged decrease in ventilation. In sum, Appellant's assertions challenge whether the Record contained substantial evidence to warrant the Hearing Examiner's decision to grant an Excess Rent award based on a failure to maintain installed heating facilities in good working order, decrease in refrigeration services, and a decrease in ventilation services caused by a replaced skylight.

H. REGULATIONS

- H-1.** AMEND Regulation 904(B)(4)(b), to correct the typo of Civil Code Section 1941, to Civil Code Section 1941.1, and update the nomenclature of Civil Code 1941.1 (b), (c), and (d), to Civil Code Section 1941.1 (a)(2), (a)(3), and (a)(4).

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: June 16, 2021

Final Decision Date Deadline: June 16, 2021

STATEMENT OF THE ISSUE: The minutes of the May 19, 2021, 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 May 19, 2021, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-1.

This page intentionally left blank

RICHMOND, CALIFORNIA, May 19, 2021

The Regular Meeting of the Richmond Rent Board was called to order at 5:06 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/82056074052?pwd=cWhCM0xXSzFkKytzclJSL3ZhVVJuZz09>

Password: rentboard

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

Webinar ID: 820 5607 4052

International numbers available:

<https://us02web.zoom.us/j/82056074052?pwd=cWhCM0xXSzFkKytzclJSL3ZhVVJuZz09>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, May 19, 2021, 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, Johnson, Vasilas, Vice Chair Mishek and Chair Finlay.

Staff Present: Staff Attorney Charles Oshinuga and Executive Director Nicolas Traylor.

Absent: None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

On a motion of Boardmember Vasilas, seconded by Vice Chair Mishek, to move Items F-3 and F-4 from Consent Calendar for discussion before Item G-1 under Rent Board as A Whole, passed by the following vote: **Ayes:** Boardmembers Conner, Johnson, Vasilas, Vice Chair Mishek and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

PUBLIC FORUM

Cordell Hindler commented by email that he feels that the public should be able to return to attend Rent Board meetings in person. He also mentioned that he appreciates the Brown Act training materials provided by Staff Attorney Charles Oshinuga at the April 21, 2021 Rent Board Meeting.

RENT BOARD CONSENT CALENDAR

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

*F-1. Approve the minutes of the April 21, 2021, Regular Meeting of the Richmond Rent Board.

*F-2. Receive the Fiscal Year 2020-21 Monthly Activity Report through April 2021.

*F-5. Approve contract for translation services with The Spanish Group, LLC in an amount not to exceed \$5,100 for the Fiscal Year 2021-22 (July 1, 2021-June 30, 2022).

*F-6. Approve contract for interpretation services with Interpreters Unlimited with a payment limit not to exceed \$6,000 for Fiscal Year 2021-22 (July 1, 2021 – June 30, 2022).

RENT BOARD AS A WHOLE

F-3. The matter to approve amendments to the contract for community legal services with Bay Area Legal Aid, increasing the contract amount by \$75,000 for Fiscal Year 2020-21, and

modifying the term to commence on July 1, 2021, through June 30, 2022 was presented by Boardmember Vasilas. Boardmember Vasilas requested to remove this item from the Consent Calendar because he would like specific details about the services Bay Area Legal Aid provides as it relates to the Rent Program and the reason for the \$75,000 increase at this time. Discussion ensued. A motion by Vice Chair Mishek, seconded by Boardmember Johnson, to direct staff to provide data on the amount of formal legal referrals made by the Rent Program versus informal referrals of any Richmond residents to Bay Area Legal Aid, to the Rent Board by the next month's Rent Board Meeting, passed by the following vote: **Ayes:** Boardmembers Conner, Johnson, Vasilas, Vice Chair Mishek and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

F-4. The matter to approve an amendment to the contract for community legal services with the Eviction Defense Center, increasing the contract amount by \$125,000 for Fiscal Year 2021-22, to a total not to exceed \$456,244, and modifying the term to commence on July 1, 2021, through June 30, 2022 was presented by Boardmember Vasilas. Boardmember Vasilas requested to remove this item from the Consent Calendar because he would like clarification on the tracking of cases resulted from a referral by the Rent Program and the outcomes of the cases. Discussion ensued. A motion by Boardmember Johnson, seconded by Boardmember Conner, to direct staff to provide a report from Eviction Defense Center of the amount of cases referred by the Rent Program and to include the outcome of cases, passed by the following vote: **Ayes:** Boardmembers Conner, Johnson, Vice Chair Mishek and Chair Finlay. **Noes:** None. **Abstentions:** Boardmember Vasilas. **Absent:** None.

G-1. The matter to receive the Fair Political Practices Commission Training was presented by Staff Attorney Charles Oshinuga. The presentation included the background of the Political Reform Act and the Fair Political Practice Commission, basic rules regarding Conflicts of Interest that included information regarding Political Reform Act, Government Code Section 1090, gifts and other ethics implications, steps to disqualifying financial interests, bottom line, seeking legal advice, other conflicts of interest, Common Law conflicts of interest, information regarding if there is a conflict, information regarding gifts, Honoraria, Behested Payments, and Form 700 for Statement of Economic Interests. There were no public comments on this item. Discussion ensued. The Board received the presentation and no formal action was taken on this item.

REGULATIONS

H-1. The matter to adopt Regulation 609, establishing the 2021 Annual General Adjustment in the amount of 1.6% for tenancies commencing prior to September 1, 2020 was presented by Executive Director Nicolas Traylor. The presentation included the statement of the issue, AGA background, the proposed Regulation 609, next steps and the recommended action. There were no public comments on this item. Discussion ensued. A motion by Boardmember Vasilas, seconded by Vice Chair Mishek, to adopt Regulation 609, establishing the 2021 Annual General Adjustment in the amount of 1.6% for tenancies commencing prior to September 1, 2020, passed by the following vote: **Ayes:** Boardmembers Conner, Vasilas, Vice Chair Mishek and Chair Finlay. **Noes:** Boardmember Johnson. **Abstentions:** None. **Absent:** None.

REPORTS OF OFFICERS

Executive Director Nicolas Traylor introduced and welcomed Administrative Intern Sarah Schaff to the Rent Board and gave a brief description of her responsibilities at the Rent Program. He mentioned that she is the first point of contact for the agency who answers the main line, schedules counseling appointments and she assists the Rent Board Clerk with taking notes during the meetings. He also gave a brief report on the upcoming Community Workshop Webinar titled “How to Resolve Landlord-Tenant Disputes during the COVID-19 Pandemic”, to be held on Friday, May 21, 2021 from 4:00 to 6:00 PM.

Chair Finlay thanked Boardmembers and Staff for their patience with her chairing the meeting. She added that it has been many years since she has acted in the capacity of Chair on a Board or Commission. She concluded by welcoming everyone again to the Rent Board and wished everyone a great month.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:10 P.M.

Cynthia Shaw and Sarah Schaff
Staff Clerks

(SEAL)

Approved:

Virginia Finlay, Rent Board Chair

This page intentionally left blank

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: June 16, 2021

Final Decision Date Deadline: June 16, 2021

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

INDICATE APPROPRIATE BODY

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

ITEM

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

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

AGENDA ITEM NO:
F-2.

This page intentionally left blank

Cynthia Shaw

Subject: FW: Cost-sharing of rent board fees

From: Diane Anderson [<mailto:jollysox@earthlink.net>]

Sent: Friday, May 14, 2021 10:06 PM

To: Rent Control

Subject: Cost-sharing of rent board fees

Hello Rent Board Members-

I would like to suggest that rent board fees be shared evenly between tenants and landlords. It's unclear why landlords should bear the entire cost of rent control fees. Tenants absolutely receive 50% of the benefit of rent control and should pay their fair share of the annual rent board fees. San Francisco, which is highly pro-tenant, allocates 50% of the annual rent board fees to tenants. It's time for Richmond to move towards equity.

Please consider a resolution which would allow these fees to be equitably shared between landlords and tenants.

Thank you,

Diane Anderson

510-773-3810

This message and any files transmitted with it contain confidential information and is intended only for the individual named. Please notify the sender immediately by e-mail if you have received this message by mistake, and delete this e-mail from your system. If you are not the intended recipient, you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

This page intentionally left blank

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: June 16, 2021

Final Decision Date Deadline: June 16, 2021

STATEMENT OF THE ISSUE: The Monthly Activity Report is designed to provide members of the Rent Board and Richmond community with a quantitative summary of the Rent Program's activities for the month and fiscal year-to-date.

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 Fiscal Year 2020-21 Monthly Activity Report through May 2021 - Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-3.

This page intentionally left blank

**Rent Program
FY2020-21 Monthly Activity Report**

ITEM F-3

	A	B	C	D	E	F	G	H	I	J	K	L	N
1		Jul-2020	Aug-2020	Sept-2020	Oct-2020	Nov-2020	Dec-2020	Jan-2021	Feb-2021	Mar-2021	Apr-2021	May-2021	
2		MTD ACTUAL	YTD TOTAL										
3	Public Information & Enrollment Unit												
5	Rent/Eviction Counseling Appointments By Phone	197	195	224	249	191	176	218	185	221	269	139	2,264
6	Rent/Eviction Counseling Questions Addressed By Email	308	341	135	434	363	242	194	155	166	203	123	2,664
7	TOTAL RENT/EVICTION COUNSELING APPOINTMENTS	505	536	359	683	554	418	412	340	387	472	262	4,928
8	Rent/Eviction Counseling Sessions Conducted in Spanish	105	155	135	217	155	105	157	131	155	155	35	1,505
12	TOTAL RENT/EVICTION COUNSELING APPOINTMENTS IN A LANGUAGE OTHER THAN ENGLISH	105	155	135	217	155	105	157	131	155	155	35	1,505
13	Legal Service Referrals	9	5	15	26	13	7	9	11	9	7	7	118
14	Written Legal Referrals												-
15	Verbal Legal Referrals												-
16	Mediations Conducted	-	-	-	-	-	-	2	3	1	-	2	8
17	Assists from Front Office Staff	123	217	172	123	212	179	212	216	66	212	187	1,919
18	Courtesy Compliance Letters Sent	78	62	8	50	12	27	24	11	2	-	5	279
19	Community Workshop Attendees	38	40	11	12	39	-	-	127	1	31	15	314
20	Hard Copy Rent Increase Notices Processed	8	62	22	6	3	5	-	-	-	4	-	110
21	Hard Copy Termination of Tenancy Notices Processed	1	-	26	9	3	2	6	-	11	62	41	161
22	TOTAL HARD COPY NOTICES PROCESSED	9	62	48	15	6	7	6	-	11	66	41	271
24	Billing/Enrollment/Registration Counseling Appointments By Phone	19	119	76	41	22	32	15	14	44	80	93	555
25	Billing/Enrollment/Registration Counseling Questions Addressed By Email	62	152	73	28	20	71	81	27	25	94	105	738
26	TOTAL BILLING/ENROLLMENT/REGISTRATION COUNSELING APPOINTMENTS	81	271	149	69	42	103	96	41	69	174	198	1,293
27	Enrollment/Tenancy Registration Packets Mailed	13	108	4	21	-	4	4	55	120	12	42	383
28	Enrollment Forms Processed	16	19	9	5	1	8	13	12	15	10	9	117
29	Rental Housing Fee Invoices Generated	175	10,751	672	55	8	247	27	154	207	4,427	33	16,756
30	Checks Processed	8	148	1,084	142	46	8	21	20	20	23	70	1,590
31	Checks Returned	1	1	3	5	4	2	2	2	1	2	1	24
32	Rental Units Discovered Not in Database	3	-	-	1	-	-	-	18	-	1	5	28
33	Property Information Updated	20	6	55	13	9	9	-	40	8	7	14	181
34	Compliance Actions (Reviewing Records, Exemption Statuses, Addresses)	135	53	-	15	32	-	194	37	233	194	236	1,129
35	Applications for Administrative Determination of Exempt/Inapplicable Status Received	1	16	20	4	2	4	4	2	2	1	3	59
36	Administrative Determination of Exempt/Inapplicable Status Issued	-	-	4	2	1	4	2	-	3	4	1	21
37	Declarations of Exemption Processed	-	-	7	-	4	-	7	13	6	23	4	64
38	LEGAL UNIT												-
39	Public Records Act Requests Received	1	2	-	4	3	2	1	3	1	1	-	18
40	Owner Move-In Eviction Termination of Tenancy Notices Reviewed	1	-	-	2	1	2	1	2	1	-	-	10
41	Withdrawal from the Rental Market (Ellis Act) Termination of Tenancy Notices Reviewed	-	-	-	-	-	1	-	-	2	-	1	4
42	Substantial Repairs Termination of Tenancy Notices Reviewed	-	-	-	-	-	-	-	-	1	-	-	1
43	Appeal Hearings Held	-	-	-	-	1	-	-	1	-	-	-	2
44	HEARINGS UNIT												-
45	Consultations with Hearings Unit Coordinator In Person	-	-	-	-	-	-	-	-	-	-	-	-
47	Consultations with Hearings Unit Coordinator By Phone	21	10	22	17	9	7	9	8	7	2	5	117
48	Hearings-Related Questions Addressed by Email	73	53	59	34	35	38	31	27	20	15	13	398
49	TOTAL HEARINGS-RELATED CONSULTATIONS	94	63	81	51	44	45	40	35	27	17	18	515
50	MNOI Petitions Received (Attachment A)	1	-	-	1	1	-	-	-	-	-	-	3
53	Restoration of Denied AGA Petitions Received (Attachment D)	1	-	-	-	-	-	-	-	-	-	-	1
55	Landlord Petition to Determine Exempt Status Received	-	-	1	1	-	2	1	-	-	-	-	5
56	TOTAL LANDLORD PETITIONS RECEIVED	2	-	1	2	1	2	1	-	-	-	-	9

**Rent Program
FY2020-21 Monthly Activity Report**

ITEM F-3

1	A	B	C	D	E	F	G	H	I	J	K	L	N
2		Jul-2020	Aug-2020	Sept-2020	Oct-2020	Nov-2020	Dec-2020	Jan-2021	Feb-2021	Mar-2021	Apr-2021	May-2021	
57	Excess Rent or Failure to Return Sec Dep Petitions Received (Attachment A)	MTD ACTUAL	YTD TOTAL										
57	Excess Rent or Failure to Return Sec Dep Petitions Received (Attachment A)	-	1	2	-	-	-	-	-	-	-	-	3
58	Decrease in Space/Services or Habitability Petitions Received (Attachment B)	1	-	-	-	1	1	-	-	-	2	-	5
60	Tenant Petition Based on Multiple Grounds	-	-	-	-	1	-	1	1	-	1	2	6
62	Tenant Petition for Failure to Pay Relocation Payment Petitions Received	1	1	-	-	2	-	1	1	-	-	-	6
63	TOTAL TENANT PETITIONS RECEIVED	2	2	2	-	4	1	2	2	-	3	2	20
67	Request for a Continuance of the Hearing Process	-	-	-	3	-	-	1	-	1	1	-	6
68	Subpoena(s)	-	-	1	-	-	-	-	-	2	-	-	3
69	TOTAL OTHER PETITIONS RECEIVED	-	-	1	3	-	-	1	-	3	1	-	9
70	Decisions Ordered	-	3	-	1	-	1	1	-	1	-	1	8
71	Cases Settled	2	4	1	1	1	1	4	1	-	1	-	16
72	Cases Dismissed	-	-	-	1	1	-	1	-	-	-	-	3
73	Petitions Withdrawn	-	1	-	-	-	-	2	-	1	-	-	4
74	TOTAL CASES CLOSED	2	8	1	3	2	2	8	1	2	1	1	31
75	Appeals Received	-	-	1	-	1	1	1	-	-	-	-	4
76	Total Open Cases (Tenant Petitions)	18	14	12	10	10	11	5	1	6	5	5	97
77	Total Open Cases (Landlord Petitions)	3	4	4	4	2	2	2	-	1	-	-	22
78	Total Open Cases (Other Petitions)	1	-	-	-	-	-	-	-	-	-	-	1
79	TOTAL OPEN CASES	22	18	16	14	12	13	7	6	7	5	5	125
80	Form Submissions												-
81	Agent Authorization	-	-	-	-	-	1	-	-	1	-	-	2
82	Proof of Excess Rent Refund	-	-	-	-	-	-	-	1	-	3	-	4
83	Proof of Permanent Relocation Payment	-	-	-	-	-	1	1	2	1	-	-	5
85	Change in Terms of Tenancy	-	2	25	39	-	-	1	2	2	-	2	73
86	TOTAL RENT INCREASE NOTICES FILED	58	28	59	46	49	92	125	48	13	8	46	572
87	Termination of Tenancy - Nonpayment of Rent	-	-	5	111	8	65	28	104	44	29	46	440
88	Termination of Tenancy - Breach of Lease	9	1	1	8	5	3	9	4	6	-	-	46
89	Termination of Tenancy - Failure to Give Access	-	-	2	-	-	-	-	-	-	-	-	2
90	Termination of Tenancy - Nuisance	8	1	-	6	3	1	10	-	5	1	2	37
91	Termination of Tenancy - Withdrawal from the Rental Market	-	-	-	-	-	-	1	-	-	-	-	1
92	Termination of Tenancy - Owner Move-In	1	-	-	3	1	1	2	3	2	-	-	13
93	Termination of Tenancy - Substantial Repairs	-	-	-	-	-	-	-	-	1	-	-	1
94	Termination of Tenancy - Temporary Tenancy	-	-	-	-	-	-	-	-	1	-	-	1
95	TOTAL TERMINATION OF TENANCY NOTICES FILED	18	2	8	128	17	70	50	111	59	30	48	541

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: June 16, 2021

Final Decision Date Deadline: June 16, 2021

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

- | | | |
|---|--|--|
| <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 May 2021 – Rent Program (Nicolas Traylor 620-6564).

AGENDA ITEM NO:

F-4.

This page intentionally left blank

Rent Program
FY2020-21 Monthly Revenue and Expenditure Report

CHARACTER	OBJECT	ORIGINAL BUDGET	REVISED BUDGET	Per 1	Per 2	Per 3	Per 4	Per 5	Per 6	Per 7	Per 8	Per 9	Per 10	Per 11	Per 12	ENCUMBRANCES	YTD TOTAL	AVAILABLE BUDGET	% USED		
				Jul-2020	Aug-2020	Sept-2020	Oct-2020	Nov-2020	Dec-2020	Jan-2021	Feb-2021	Mar-2021	Apr-2021	May-2021	June-2021						
34	LICENSES, PRMITS&FEES	340445	Rental Housing Fees	(2,609,056.00)	(2,609,056.00)	(210,035.00)	(715,808.00)	(932,667.60)	(234,276.50)	(32,757.95)	(61,464.90)	(64,051.25)	(18,393.00)	(43,908.90)	(54,315.90)	(126,912.64)	-	(2,494,591.64)	(114,464.36)	95.6%	
			TOTAL LICENSES, PRMITS&FEES	(2,609,056.00)	(2,609,056.00)	(210,035.00)	(715,808.00)	(932,667.60)	(234,276.50)	(32,757.95)	(61,464.90)	(64,051.25)	(18,393.00)	(43,908.90)	(54,315.90)	(126,912.64)	-	(2,494,591.64)	(114,464.36)	95.6%	
36	INTEREST INCOME	361701	Interest	-	-	(7,785.37)	-	-	(1,854.42)	-	-	(2,232.57)	-	-	(1,210.17)	-	-	(13,082.53)	13,082.53	100.0%	
			TOTAL INTEREST INCOME	-	-	(7,785.37)	-	-	(1,854.42)	-	-	(2,232.57)	-	-	(1,210.17)	-	-	(13,082.53)	13,082.53	100.0%	
38	OTHER REV/Bad Debt Recovery	364867	Revenue from Collections Agency	-	-	(7,785.37)	(2,540.28)	(6,167.59)	-	(2,165.18)	-	-	(6,063.00)	-	(60.00)	-	-	(24,781.42)	10,325.65	100.0%	
			TOTAL OTHER REVENUE	-	-	(7,785.37)	(2,540.28)	(6,167.59)	-	(2,165.18)	-	-	(6,063.00)	-	(60.00)	-	-	(24,781.42)	10,325.65	100.0%	
			TOTAL REVENUE	(2,609,056.00)	(2,609,056.00)	(217,820.37)	(723,593.37)	(935,207.88)	(242,298.51)	(32,757.95)	(63,630.08)	(66,283.82)	(24,456.00)	(43,908.90)	(55,526.07)	(126,972.64)	-	-	(2,532,455.59)	(91,056.18)	97.1%
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	55,587.34	55,587.34	55,587.34	55,587.34	55,587.34	47,895.03	-	603,768.42	63,279.58	90.5%		
40	SALARIES AND WAGES	400002	SALARIES & WAGES/Mgmt-Local 21	303,316.00	303,316.00	15,501.88	13,501.88	13,501.88	16,821.77	17,159.39	6,186.86	13,501.88	20,858.99	19,769.72	15,519.96	15,678.01	-	172,002.22	131,313.78	56.7%	
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	15,832.70	16,102.92	16,102.92	11,502.16	11,854.39	11,232.16	11,232.16	-	157,190.21	38,666.79	80.3%	
40	SALARIES AND WAGES	400006	SALARIES & WAGES/PT- Temp	43,036.00	43,036.00	1,712.36	1,148.41	2,501.88	2,327.58	2,389.27	4,258.19	2,924.65	3,023.99	1,236.08	3,167.46	3,123.31	-	27,813.18	15,222.82	100.0%	
40	SALARIES AND WAGES	400031	OVERTIME/General	6,000.00	6,000.00	-	-	264.88	36.12	-	168.56	50.46	297.85	277.54	108.42	-	-	1,312.19	4,687.81	100.0%	
40	SALARIES AND WAGES	400048	OTHER PAY/Bilingual Pay	9,402.00	9,402.00	773.68	854.23	827.38	900.53	900.53	681.08	827.38	869.74	855.41	842.96	742.96	-	9,075.88	326.12	96.5%	
40	SALARIES AND WAGES	400049	OTHER PAY/Auto Allowance	4,200.00	4,200.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	-	3,850.00	350.00	91.7%		
40	SALARIES AND WAGES	400050	OTHER PAY/Medical- in Lieu of	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
40	SALARIES AND WAGES	400079	COMP ABSENCES/WC-Prof-Mgt-Tec	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	100.0%	
			TOTAL SALARIES AND WAGES	1,228,859.00	1,228,859.00	89,757.96	87,274.56	88,866.06	91,856.04	92,219.23	83,274.75	89,462.73	92,242.68	89,950.79	90,977.41	79,129.89	-	975,012.10	253,846.90	79.3%	
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	1,340.49	1,213.12	1,309.14	1,340.99	1,323.78	1,322.63	1,150.51	-	14,228.01	1,893.99	88.3%	
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	10,441.39	11,417.92	11,417.92	11,417.92	11,417.92	11,417.92	9,786.47	-	119,083.02	29,058.98	80.4%	
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	1,217.00	1,217.00	1,217.00	1,217.00	1,217.00	1,217.00	973.60	-	13,143.60	3,114.40	80.8%	
41	FRINGE BENEFITS	400109	P-ROLL BEN/Employee Assistance	484.00	484.00	36.40	36.40	36.40	36.40	36.40	36.40	36.40	36.40	36.40	36.40	29.12	-	393.12	90.88	81.2%	
41	FRINGE BENEFITS	400110	P-ROLL BEN/Professional Dev-Mg	6,000.00	6,000.00	-	-	-	-	-	159.36	590.64	-	750.00	-	-	-	1,500.00	4,500.00	25.0%	
41	FRINGE BENEFITS	400111	P-ROLL BEN/Vision	2,123.00	2,123.00	161.00	161.00	161.00	161.00	161.00	161.00	161.00	161.00	161.00	161.00	128.80	-	1,738.80	384.20	81.9%	
41	FRINGE BENEFITS	400112	P-ROLL BEN/Life Insurance	3,717.00	3,717.00	291.40	291.40	291.40	291.40	291.40	291.40	291.40	305.81	305.81	305.81	237.90	-	3,195.13	521.87	86.0%	
41	FRINGE BENEFITS	400114	P-ROLL BEN/Long Term Disabilit	11,132.00	11,132.00	788.51	790.93	790.93	790.93	790.93	790.93	790.93	823.43	823.43	823.43	627.20	-	8,631.58	2,500.42	77.5%	
41	FRINGE BENEFITS	400116	P-ROLL BEN/Unemployment Ins	5,016.00	5,016.00	456.00	456.00	456.00	456.00	418.00	418.00	456.00	418.00	456.00	456.00	380.00	-	4,750.00	266.00	94.7%	
41	FRINGE BENEFITS	400117	P-ROLL BEN/Personal/Prof Dev	2,250.00	2,250.00	-	-	1,500.00	-	-	-	-	-	-	-	-	-	1,500.00	750.00	66.7%	
41	FRINGE BENEFITS	400118	P-ROLL BEN/Worker Comp-Injury Appt	-	-	-	-	-	337.62	-	-	-	-	354.64	-	-	-	692.26	(692.26)	100.0%	
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	1,398.93	1,405.80	1,614.00	1,465.44	933.93	804.08	949.91	945.00	-	13,533.41	796.59	94.4%	
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	6,224.94	6,224.94	6,224.94	6,887.83	6,789.68	6,767.18	5,727.94	-	69,716.79	10,840.21	86.5%	
41	FRINGE BENEFITS	400124	P-ROLL BEN/CON-MEDICL EE Share	(10,500.00)	(10,500.00)	-	-	-	-	-	-	-	-	-	-	-	-	(10,500.00)	0.0%		
41	FRINGE BENEFITS	400127	P-ROLL BEN/OPEB	44,703.00	44,703.00	3,550.81	3,527.68	3,584.03	3,563.89	3,580.26	3,630.19	3,604.18	3,711.79	3,627.70	3,648.07	3,179.05	-	39,207.65	5,495.35	87.7%	
41	FRINGE BENEFITS	400130	P-ROLL BEN/PARS Benefits	-	-	0.80	0.80	0.53	0.27	0.27	12.24	3.16	6.17	-	7.32	5.46	-	37.02	(37.02)	100.0%	
41	FRINGE BENEFITS	400131	P-ROLL BEN/CON-OPEB-EE Share	(9,600.00)	(9,600.00)	-	-	-	-	-	-	-	-	-	-	-	-	(9,600.00)	0.0%		
41	FRINGE BENEFITS	400149	P-ROLL BEN/PERS-Misc	147,443.00	147,443.00	11,723.63	11,657.01	11,839.56	11,818.92	11,827.20	11,990.63	11,905.48	12,263.35	12,033.84	12,051.21	10,502.99	-	129,613.82	17,829.18	87.9%	
41	FRINGE BENEFITS	400151	P-ROLL BEN/PERS-Misc (UAL)	223,322.00	223,322.00	21,460.45	19,509.50	21,460.45	21,460.45	21,460.45	21,460.45	21,460.45	21,460.45	21,460.45	21,460.45	21,460.45	-	234,114.00	(10,792.00)	104.8%	
			TOTAL FRINGE BENEFITS	701,499.00	701,499.00	58,987.54	56,850.42	60,697.60	59,508.84	59,195.53	60,896.08	61,022.07	61,485.73	60,624.33	55,134.49	-	-	655,078.21	46,420.79	93.4%	
42	PROF & ADMIN SERVICES	400201	PROF SVCS/Professional Svcs	17,500.00	17,500.00	50.63	762.75	899.63	1,573.08	589.40	1,104.54	995.07	595.99	832.86	435.26	844.96	-	10,598.88	19,283.05	110.2%	
42	PROF & ADMIN SERVICES	400206	PROF SVCS/Legal Serv Cost	210,000.00	210,000.00	-	-	-	-	10,416.00	22,916.00	6,250.00	14,582.00	16,666.00	16,666.00	10,416.00	-	139,578.00	237,490.00	113.1%	
42	PROF & ADMIN SERVICES	400242	TRAVEL & TRNG/Mileage	204.00	204.00	-	-	-	-	-	-	-	-	-	-	-	-	204.00	0.0%		
42	PROF & ADMIN SERVICES	400243	TRAVEL & TRNG/Conf, Mtng Trng	1,224.00	1,224.00	-	-	-	-	-	-	-	-	-	-	-	-	1,224.00	0.0%		
42	PROF & ADMIN SERVICES	400245	TRAVEL & TRNG/Tuition Rmb/Cer	1,500.00	1,500.00	-	-	-	-	-	-	-	-	-	-	-	-	1,500.00	100.0%		
42	PROF & ADMIN SERVICES	400261	DUES & PUB/Memberships & Dues	800.00	800.00	-	-	-	-	-	-	-	1,452.58	-	-	-	-	1,452.58	(652.58)	181.6%	
42	PROF & ADMIN SERVICES	400262	DUES & PUB/Books & Subs	1,650.00	1,650.00	-	-	-	-	-	-	-	-	-	-	-	-	1,650.00	0.0%		
42	PROF & ADMIN SERVICES	400271	AD & PROMO/Advertising&Promo	200.00	200.00	-	279.66	143.59	143.59	-	113.39	178.00	-	377.00	89.00	335.88	-	1,516.52	(1,316.52)	758.3%	
42	PROF & ADMIN SERVICES	400272	AD & PROMO/Community Events	3,513.00	3,513.00	-	-	-	-	-	-	-	-	-	-	-	-	3,513.00	0.0%		
42	PROF & ADMIN SERVICES	400280	ADM EXP/Program Supplies	3,525.00	3,525.00	-	-	291.96	96.00	195.96	1,565.86	-	585.60	96.00	89.00	-	-	2,920.38	604.62	100.0%	
			TOTAL PROF & ADMIN SERVICES	240,116.00	240,116.00	50.63	762.75	1,471.25	1,812.67	11,005.40	24,329.89										

This page intentionally left blank

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: June 16, 2021

Final Decision Date Deadline: June 16, 2021

STATEMENT OF THE ISSUE: Among other things, Richmond Municipal Code Section 11.100.070(e) of the Richmond Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance (hereinafter, "Rent Ordinance") authorizes a Hearing Examiner and the Rent Board to adjust Maximum Allowable Rents downwards in consideration of a Landlord's failure to substantially comply with all applicable housing, health and safety codes. Richmond Municipal Code Section 11.100.060 (e) authorizes the Rent Board to promulgate Regulations that both enforce and clarify its provisions, and advances its regulatory purpose and goals. Consistent with the Rent Ordinance mandate, on February 21, 2018, the Richmond Rent Board adopted Regulation 904(B)(4)(b) to, among other things, enforce the Rent Ordinance's standards used for downward individual rent adjustments resulting from a Landlord's failure to substantially comply with applicable housing, health and safety codes. After review of the aforementioned Regulation, Rent Program staff members have identified both an error consisting of a typo and a need to update the referenced Civil Code, as Civil Code 1941.1(a), (b), and (c), has changed.

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 checked="" type="checkbox"/> Regulation | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Contract/Agreement | <input type="checkbox"/> Rent Board As Whole | |
| <input type="checkbox"/> Grant Application/Acceptance | <input type="checkbox"/> Claims Filed Against City of Richmond | |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Video/PowerPoint Presentation (contact KCRT @ 620.6759) | |

RECOMMENDED ACTION: AMEND Regulation 904(B)(4)(b), to correct the typo of Civil Code Section 1941, to Civil Code Section 1941.1, and update the nomenclature of Civil Code 1941.1 (b), (c), and (d), to Civil Code Section 1941.1 (a)(2), (a)(3), and (a)(4) – Rent Program (Nicolas Traylor 620-6564).

AGENDA ITEM NO:

H-1.

This page intentionally left blank



AGENDA REPORT

DATE: June 16, 2021

TO: Chair Finlay and Members of the Rent Board

FROM: Nicolas Traylor, Executive Director

SUBJECT: Revision of Rent Board Regulation 904 (B) (4)

STATEMENT OF THE ISSUE:

Among other things, Richmond Municipal Code Section 11.100.070(e) of the Richmond Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance (hereinafter, "Rent Ordinance") authorizes a Hearing Examiner and the Rent Board to adjust Maximum Allowable Rents downwards in consideration of a Landlord's failure to substantially comply with all applicable housing, health and safety codes. Richmond Municipal Code Section 11.100.060 (e) authorizes the Rent Board to promulgate Regulations that both enforce and clarify its provisions, and advances its regulatory purpose and goals. Consistent with the Rent Ordinance mandate, on February 21, 2018, the Richmond Rent Board adopted Regulation 904(B)(4)(b) to, among other things, enforce the Rent Ordinance's standards used for downward individual rent adjustments resulting from a Landlord's failure to substantially comply with applicable housing, health and safety codes. After review of the aforementioned Regulation, Rent Program staff members have identified both an error consisting of a typo and a need to update the referenced Civil Code, as Civil Code 1941.1(a), (b), and (c), has changed.

RECOMMENDED ACTION:

AMEND Regulation 904(B)(4)(b), to correct the typo of Civil Code Section 1941, to Civil Code Section 1941.1, and update the nomenclature of Civil Code 1941.1 (b), (c), and (d), to Civil Code Section 1941.1 (a)(2), (a)(3), and (a)(4) – Rent Program (Nicolas Traylor 620-6564).

FISCAL IMPACT:

There is no fiscal impact related to this item.

DISCUSSION:

Background

On February 21, 2018, the Rent Board adopted Regulation 904(B)(4)(b), to clarify the standards utilized by a Hearing Examiner and Rent Board to adjust rents downwards as a result of a housing code violations and breach of the Warranty of Habitability. Rent Board staff members occasionally identify sections of the Rent Board Regulations that require clean up and updating. Rent Program staff members have identified a typo in Rent Board Regulation 904(B)(4)(b), and a need to update the referencing to Civil Code 1941.1. Specifically, the current iteration of Rent Board Regulation 904(B)(4)(b), references Civil Code Section 1941(b), (c), and (d), in the context of habitability. Such a Civil Code does not exist in the context of habitability. Rather, the appropriate Code is Civil Code Section 1941.1(b), (c), and (d), as this Civil Code appropriately references required characteristics a dwelling unit must possess to satisfy basic habitability requirements. Secondly, Civil Code Section 1941.1(b), (c), and (d), has since been amending by the legislature to change its nomenclature, but not its substance. Civil Code Section 1941.1(b), (c), and (d), is now Civil Code Section 1941.1(a)(2), (a)(3), and (a)(4), respectively. To ensure that the intent of the Rent Board's Regulations is understood and met, staff members are recommending a correction of the typo and an update of the referenced statute to reflect the nomenclature change.

Next Steps

Upon adoption by the Board of revised Rent Board Regulation 904(B)(4)(b), Rent Program staff members will make the necessary update to the Rent Program website link to Chapter 9 of the Rent Board Regulations.

DOCUMENTS ATTACHED:

Attachment 1 – Redlined Version of Rent Board Regulation 904. Change in Space or Services.

Attachment 2 – Clean Version of Rent Board Regulation 904. Change in Space or Services.

Attachment 3 – Prior Version of Civil Code 1941.1.

Attachment 4 – Updated Version of Civil Code 1941.1.

904. Changes in Space or Services

A. Increase in Space:

The Maximum Allowable Rent may be adjusted upward when, with the written agreement of the Tenant(s), there is an increase in the usable space or in the Housing Services beyond that which was provided to a unit on July 21, 2015, or when the Base Rent was first established.

- (1) Additional or reconfigured space: Where a Landlord adds habitable living space to a unit or reconfigures it, the Maximum Allowable Rent for such unit shall be permanently increased as provided under Section 8XX Capital Improvements.
- (2) Additional services: Where a Landlord adds non-habitable space or increases the services provided to a unit, the Maximum Allowable Rent for such unit shall be increased by an amount representing the commercially reasonable value of the additional space or increased services. If the additional or reconfigured space or the services are subsequently reduced or eliminated, the rent increase authorized herein shall be reduced or terminated. Any increase for an additional bedroom shall result in an increase to the Base Occupancy Level for an additional occupant.
- (3) Increases may be denied if the added or reconfigured space or services do not clearly benefit a majority of the affected Tenants and a Tenant objects.
- (4) If the added or reconfigured space or services clearly benefit a majority of the affected Tenants, then increases may be denied if a majority of the affected Tenants object.

B. Decrease in Space or Services; Substantial Deterioration; Failure to Provide Adequate Services; Failure to Comply with Codes, the Warranty of Habitability or the Rental Agreement:

- (1) Decreases in Space or Services. The Maximum Allowable Rent shall be adjusted downward where a Landlord is aware of and causes a Tenant to suffer a decrease in housing services or living space from the services and space that were provided on July 21, 2015, or from any services or space provided at the beginning of the tenancy. The amount of the rent decrease shall be calculated by multiplying the percentage of impairment of the Tenant's use of and benefit from the unit (as a result of the reduction in living space or housing services) by the Maximum Allowable Rent in effect at the time of the impairment, and for past decreases, multiplied by the period of time the impairment existed. In determining the amount of the

ITEM H-1 ATTACHMENT 1

downward rent adjustment by the percentage of impairment of use/benefit method, the hearing examiner may consider the reasonable replacement cost of the space or service in question. Decreases in the Maximum Allowable Rent shall not be granted due to a decrease in space or services that is a direct result of intentional actions on the part of the Tenant to purposefully cause a decrease in space or services.

- (2) Denial of Petitions for Unilateral Removal: The Board will not accept petitions from Landlords who seek a Maximum Allowable Rent decrease for the unilateral removal or reduction of space or services from a Tenant's base level space or services. Landlord petitions shall be accepted only when a Tenant has expressly agreed in writing to the removal of such space or services. "Base level space or services" are the housing services or living space that was provided at the unit on July 21, 2015, or at the beginning of the tenancy.
- (3) Inadequate Services & Substantial Deterioration: The Maximum Allowable Rent shall be adjusted downward for any substantial deterioration in a Rental Unit and/or for any failure to provide adequate Housing Services occurring during the petitioner's tenancy. For purposes of this subsection, a substantial deterioration means a noticeable decline in the physical quality of the Rental Unit resulting from a failure to perform reasonable or timely maintenance and adequate Housing Services means all services necessary to operate and maintain a Rental Unit in compliance with all applicable state and local laws and with the terms of the Rental Housing Agreement. The amount of the rent decrease shall be calculated by multiplying the percentage of impairment of the Tenant's use of and benefit from the unit (as a result of the deterioration or failure to provide adequate service, violation, breach or failure to comply) by the Maximum Allowable Rent in effect at the time of the impairment.
- (4) Code Violations & Breach of the Warranty of Habitability:
 - a. Where a condition at the Rental Unit threatens the health or safety of the occupants but does not actually impair the use of the unit, the Maximum Allowable Rent decrease shall be in an amount that reflects the reduction in value of the Rental Unit due to the unsafe or unhealthy condition.
 - b. A substantial lack of any of the affirmative standard characteristics for habitability set forth in Civil Code section 1941.1 shall be deemed a violation of the warranty of habitability and the Maximum Allowable Rent shall be decreased by no less than 10% or, for a violation of subsections ~~(a)(2), (a)(3)(b), (a)(4)(e)~~ or ~~(d)~~ of Civil Code section

**ITEM H-1
ATTACHMENT 1**

- 1941.1, as amended, no less than 20%, until the condition is corrected, notwithstanding seasonal variations in or an absence of impairment to a Tenant's use of or benefit from the unit.
- c. The rent decrease authorized under this subsection for a violation of the warranty of habitability or for a code violation that poses a significant threat to the health or safety of Tenants (e.g., dangerous window bars, missing smoke detector) shall be automatically doubled prospectively if proof of correction of the violation is not submitted to the Rent Board within thirty-five (35) calendar days of mailing of the hearing examiner's decision unless the Landlord establishes that the violation cannot be corrected within that time due to circumstances beyond the Landlord's control.
 - d. No rent shall be charged for a period in which the Landlord is found to be in violation of California Civil Code Section 1942.4.
 - e. For purposes of this subsection, a breach of the warranty of habitability occurs when the Rental Unit is not in substantial compliance with applicable building and housing code standards, which materially affect health and safety. Minor housing code violations which do not interfere with normal living requirements do not constitute a breach of the warranty of habitability.
- (5) Maximum Allowable Rent reductions pursuant to this Section shall be effective from the date the Landlord first had notice of the space or service reduction, deteriorated condition, service inadequacy, or code or habitability violation in question and shall terminate on the date of the first rent payment due after adequate proof has been submitted to the Board that the condition for which the reduction was granted no longer exists.
- (6) A Tenant who files a petition pursuant to this regulation must be able to establish the basis for the reduction and when the Landlord first received notice of the decreased service, deterioration, code violation or habitability violation. Notice may be actual or constructive. A Landlord is deemed to have notice of any condition existing at the inception of a tenancy that would have been disclosed by a reasonable inspection of the Rental Unit. A copy of a housing code inspection report from the City of Richmond should be submitted with the petition.

[Adopted February 21, 2018]

This page intentionally left blank

904. Changes in Space or Services

A. Increase in Space:

The Maximum Allowable Rent may be adjusted upward when, with the written agreement of the Tenant(s), there is an increase in the usable space or in the Housing Services beyond that which was provided to a unit on July 21, 2015, or when the Base Rent was first established.

- (1) Additional or reconfigured space: Where a Landlord adds habitable living space to a unit or reconfigures it, the Maximum Allowable Rent for such unit shall be permanently increased as provided under Section 8XX Capital Improvements.
- (2) Additional services: Where a Landlord adds non-habitable space or increases the services provided to a unit, the Maximum Allowable Rent for such unit shall be increased by an amount representing the commercially reasonable value of the additional space or increased services. If the additional or reconfigured space or the services are subsequently reduced or eliminated, the rent increase authorized herein shall be reduced or terminated. Any increase for an additional bedroom shall result in an increase to the Base Occupancy Level for an additional occupant.
- (3) Increases may be denied if the added or reconfigured space or services do not clearly benefit a majority of the affected Tenants and a Tenant objects.
- (4) If the added or reconfigured space or services clearly benefit a majority of the affected Tenants, then increases may be denied if a majority of the affected Tenants object.

B. Decrease in Space or Services; Substantial Deterioration; Failure to Provide Adequate Services; Failure to Comply with Codes, the Warranty of Habitability or the Rental Agreement:

- (1) Decreases in Space or Services. The Maximum Allowable Rent shall be adjusted downward where a Landlord is aware of and causes a Tenant to suffer a decrease in housing services or living space from the services and space that were provided on July 21, 2015, or from any services or space provided at the beginning of the tenancy. The amount of the rent decrease shall be calculated by multiplying the percentage of impairment of the Tenant's use of and benefit from the unit (as a result of the reduction in living space or housing services) by the Maximum Allowable Rent in effect at the time of the impairment, and for past decreases, multiplied by the period of time the impairment existed. In determining the amount of the

ITEM H-1 ATTACHMENT 2

downward rent adjustment by the percentage of impairment of use/benefit method, the hearing examiner may consider the reasonable replacement cost of the space or service in question. Decreases in the Maximum Allowable Rent shall not be granted due to a decrease in space or services that is a direct result of intentional actions on the part of the Tenant to purposefully cause a decrease in space or services.

- (2) Denial of Petitions for Unilateral Removal: The Board will not accept petitions from Landlords who seek a Maximum Allowable Rent decrease for the unilateral removal or reduction of space or services from a Tenant's base level space or services. Landlord petitions shall be accepted only when a Tenant has expressly agreed in writing to the removal of such space or services. "Base level space or services" are the housing services or living space that was provided at the unit on July 21, 2015, or at the beginning of the tenancy.
- (3) Inadequate Services & Substantial Deterioration: The Maximum Allowable Rent shall be adjusted downward for any substantial deterioration in a Rental Unit and/or for any failure to provide adequate Housing Services occurring during the petitioner's tenancy. For purposes of this subsection, a substantial deterioration means a noticeable decline in the physical quality of the Rental Unit resulting from a failure to perform reasonable or timely maintenance and adequate Housing Services means all services necessary to operate and maintain a Rental Unit in compliance with all applicable state and local laws and with the terms of the Rental Housing Agreement. The amount of the rent decrease shall be calculated by multiplying the percentage of impairment of the Tenant's use of and benefit from the unit (as a result of the deterioration or failure to provide adequate service, violation, breach or failure to comply) by the Maximum Allowable Rent in effect at the time of the impairment.
- (4) Code Violations & Breach of the Warranty of Habitability:
 - a. Where a condition at the Rental Unit threatens the health or safety of the occupants but does not actually impair the use of the unit, the Maximum Allowable Rent decrease shall be in an amount that reflects the reduction in value of the Rental Unit due to the unsafe or unhealthy condition.
 - b. A substantial lack of any of the affirmative standard characteristics for habitability set forth in Civil Code section 1941.1 shall be deemed a violation of the warranty of habitability and the Maximum Allowable Rent shall be decreased by no less than 10% or, for a violation of subsections (a)(2), (a)(3), (a)(4) or of Civil Code section 1941.1, as

**ITEM H-1
ATTACHMENT 2**

- amended, no less than 20%, until the condition is corrected, notwithstanding seasonal variations in or an absence of impairment to a Tenant's use of or benefit from the unit.
- c. The rent decrease authorized under this subsection for a violation of the warranty of habitability or for a code violation that poses a significant threat to the health or safety of Tenants (e.g., dangerous window bars, missing smoke detector) shall be automatically doubled prospectively if proof of correction of the violation is not submitted to the Rent Board within thirty-five (35) calendar days of mailing of the hearing examiner's decision unless the Landlord establishes that the violation cannot be corrected within that time due to circumstances beyond the Landlord's control.
 - d. No rent shall be charged for a period in which the Landlord is found to be in violation of California Civil Code Section 1942.4.
 - e. For purposes of this subsection, a breach of the warranty of habitability occurs when the Rental Unit is not in substantial compliance with applicable building and housing code standards, which materially affect health and safety. Minor housing code violations which do not interfere with normal living requirements do not constitute a breach of the warranty of habitability.
- (5) Maximum Allowable Rent reductions pursuant to this Section shall be effective from the date the Landlord first had notice of the space or service reduction, deteriorated condition, service inadequacy, or code or habitability violation in question and shall terminate on the date of the first rent payment due after adequate proof has been submitted to the Board that the condition for which the reduction was granted no longer exists.
- (6) A Tenant who files a petition pursuant to this regulation must be able to establish the basis for the reduction and when the Landlord first received notice of the decreased service, deterioration, code violation or habitability violation. Notice may be actual or constructive. A Landlord is deemed to have notice of any condition existing at the inception of a tenancy that would have been disclosed by a reasonable inspection of the Rental Unit. A copy of a housing code inspection report from the City of Richmond should be submitted with the petition.

[Adopted February 21, 2018]

This page intentionally left blank

West's Annotated California Codes

Civil Code

Division 3. Obligations ([Refs & Annos](#))

Part 4. Obligations Arising from Particular Transactions ([Refs & Annos](#))

Title 5. Hiring

Chapter 2. Hiring of Real Property ([Refs & Annos](#))

This section has been updated. Click [here](#) for the updated version.

West's Ann.Cal.Civ.Code § 1941.1

§ 1941.1. Untenantable dwellings

Effective: [See Text Amendments] to December 31, 2002

A dwelling shall be deemed untenantable for purposes of [Section 1941](#) if it substantially lacks any of the following affirmative standard characteristics:

- (a) Effective waterproofing and weather protection of roof and exterior walls, including unbroken windows and doors.
- (b) Plumbing or gas facilities which conformed to applicable law in effect at the time of installation, maintained in good working order.
- (c) A water supply approved under applicable law, which is under the control of the tenant, capable of producing hot and cold running water, or a system which is under the control of the landlord, which produces hot and cold running water, furnished to appropriate fixtures, and connected to a sewage disposal system approved under applicable law.
- (d) Heating facilities which conformed with applicable law at the time of installation, maintained in good working order.
- (e) Electrical lighting, with wiring and electrical equipment which conformed with applicable law at the time of installation, maintained in good working order.
- (f) Building, grounds and appurtenances at the time of the commencement of the lease or rental agreement in every part clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, rodents and vermin, and all areas under control of the landlord kept in every part clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, rodents, and vermin.
- (g) An adequate number of appropriate receptacles for garbage and rubbish, in clean condition and good repair at the time of the commencement of the lease or rental agreement, with the landlord providing appropriate serviceable receptacles thereafter, and being responsible for the clean condition and good repair of such receptacles under his control.
- (h) Floors, stairways, and railings maintained in good repair.

Credits

(Added by Stats.1970, c. 1280, p. 2314, § 1. Amended by Stats.1979, c. 307, p. 1125, § 1.)

West's Ann. Cal. Civ. Code § 1941.1, CA CIVIL § 1941.1

Current with urgency legislation through Ch. 19 of 2021 Reg.Sess

End of Document

© 2021 Thomson Reuters. No claim to original U.S. Government Works.


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)
Code:
Section:


[Up^<< Previous](#)
[Next >>](#)
[cross-reference chaptered bills](#)
[PDF](#) | [Add To My Favorites](#)

Search Phrase:

CIVIL CODE - CIV
DIVISION 3. OBLIGATIONS [1427 - 3273.16] (*Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.*)

PART 4. OBLIGATIONS ARISING FROM PARTICULAR TRANSACTIONS [1738 - 3273.16] (*Part 4 enacted 1872.*)

TITLE 5. HIRING [1925 - 1997.270] (*Title 5 enacted 1872.*)

CHAPTER 2. Hiring of Real Property [1940 - 1954.06] (*Chapter 2 enacted 1872.*)

1941.1. (a) A dwelling shall be deemed untenable for purposes of Section 1941 if it substantially lacks any of the following affirmative standard characteristics or is a residential unit described in Section 17920.3 or 17920.10 of the Health and Safety Code:

- (1) Effective waterproofing and weather protection of roof and exterior walls, including unbroken windows and doors.
 - (2) Plumbing or gas facilities that conformed to applicable law in effect at the time of installation, maintained in good working order.
 - (3) A water supply approved under applicable law that is under the control of the tenant, capable of producing hot and cold running water, or a system that is under the control of the landlord, that produces hot and cold running water, furnished to appropriate fixtures, and connected to a sewage disposal system approved under applicable law.
 - (4) Heating facilities that conformed with applicable law at the time of installation, maintained in good working order.
 - (5) Electrical lighting, with wiring and electrical equipment that conformed with applicable law at the time of installation, maintained in good working order.
 - (6) Building, grounds, and appurtenances at the time of the commencement of the lease or rental agreement, and all areas under control of the landlord, kept in every part clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, rodents, and vermin.
 - (7) An adequate number of appropriate receptacles for garbage and rubbish, in clean condition and good repair at the time of the commencement of the lease or rental agreement, with the landlord providing appropriate serviceable receptacles thereafter and being responsible for the clean condition and good repair of the receptacles under his or her control.
 - (8) Floors, stairways, and railings maintained in good repair.
 - (9) A locking mail receptacle for each residential unit in a residential hotel, as required by Section 17958.3 of the Health and Safety Code. This subdivision shall become operative on July 1, 2008.
- (b) Nothing in this section shall be interpreted to prohibit a tenant or owner of rental properties from qualifying for a utility energy savings assistance program, or any other program assistance, for heating or hot water system repairs or replacement, or a combination of heating and hot water system repairs or replacements, that would achieve energy savings.

(Amended by Stats. 2012, Ch. 600, Sec. 1. (AB 1124) Effective January 1, 2013.)

This page intentionally left blank