

# REVISION OF RENT BOARD REGULATION 904 (B) (4)



June 16, 2021,  
Regular  
Meeting of the  
Richmond Rent  
Board

Item H-1

# STATEMENT OF THE ISSUE

- The 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.
- The Rent Ordinance 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.

# 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.
- 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.
- Civil Code Section 1941.1(b), (c), and (d), has since been amended by the legislature to change its nomenclature, but not its substance. Civil Code Section 1941.1(b), (c), and (d), are 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.

# RECOMMENDED ACTION

- Adopt Revised Regulation 904 (B) (4), by correcting the typo so that the current iteration which reads Civil Code 1941 is replaced with the amended Civil Code 1941.1 and update the nomenclature of 1941.1 in Regulation 904 (B) (4) to “Civil Code 1941.1 (a) (2), (a) (3), and (a)(4)” replacing what was formerly “Civil Code 1941.1 (b), (c), and (d).”