



# **RENT BOARD AND RENT PROGRAM ACTIVITIES DURING THE COVID-19 PANDEMIC**

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Item G-1

July 21, 2021 Regular Meeting of the  
Richmond Rent Board

Nicolas Traylor, Executive Director



# Background

While not an exhaustive list, this report provides a high level summary of both Rent Board and Rent Program activities and accomplishments during the COVID-19 Pandemic (February 1, 2020 to July 1, 2021).

# Highlights of Key Rent Board and Rent Program Actions

- **The key Rent Board actions are divided into five parts:**
  - (1) Adoption of Regulations and Resolutions During the Pandemic
  - (2) Fiscal Policies and Contracts Established by the Richmond Rent Board
  - (3) Trainings and informational reports received
  - (4) Landlord/Tenant Appeals Heard by the Richmond Rent Board
  - (5) COVID-19 Pandemic Related Policies Adopted by the Richmond Rent Board
- **While not an exhaustive list, Rent Program services are divided into five parts:**
  - (1) Community outreach and educational activities
  - (2) Hearings and Legal Unit activities
  - (3) Billing and Collection Activities and Statistics During the Pandemic
  - (4) Collaboration with the City of Richmond
  - (5) Stabilizing Rent Program Finances

# Adoption of Regulations and Resolutions During the Pandemic

# Adoption of Regulations and Resolutions

Regulation/Resolution	Description of Regulation/Resolution
Regulation 601 (A) (1) to maintain consistency with Regulation 603 (A)	Amended noticing requirement so that Landlords of Controlled Rental Units file a copy of a notice of rent increase with the Rent Board within 10-business days after service on the Tenant
Rescinded Regulation 842 and adopted Regulation 842.5	Clarifies (1) when a Hearing Examiner’s decision becomes effective and enforceable; (2) when a Landlord may recoup rents which accumulated during the pendency of an appeal; (3) when a Tenant may use excess rent to offset the monthly rent owed; (4) the impact that a finding of an excess rent liability has on a Landlords compliance with the Rent Ordinance; and (5) that a Tenant may not waive their rights granted under the Rent Ordinance as such a waiver would violate public policy
Regulation 911 (A)	Requires that Landlords refund any rent overcharges collected in violation of the Rent Ordinance on or after its effective date of December 30, 2016
Regulation 1001	Clarify that Landlords of all applicable Rental Units shall file notices of termination of tenancy and change in terms of tenancy with the Rent Board
Chapter 2 of the Regulations: Process of Determining Exemption/Inapplicability	Concerns the process where property owners may seek an exemption or determination of inapplicability of a dwelling unit from provision of the Rent Ordinance.
Chapter 3 Regulations: Governance Regulations	Clarifies the procedural requirements for the adoption, amendment and repeal of Rent Board regulations, policies concerning meeting procedures and policies concerning conflicts of interests.
Regulation 1009 and 1010	Clarifies the intent of the Just Cause for Eviction section of the Rent Ordinance, specifically how many Owner Move-Ins can occur on a property, reporting requirements for owners who perform Owner Move-Ins and clarifies what the courts should consider in determining what is “good faith” in performance of Owner Move-In evictions.

# Adoption of Regulations and Resolutions

Regulation/Resolution	Description of Regulation
Resolution 20-01	Established the Rent Board Special Revenue Reserve Policy following the recommendation by Financial Consultant Kevin W. Harper Associates to establish a long-term financial sustainability plan
Regulation 301.5	Permits Boardmembers, whose terms have expired to continue serving until they are replaced
Regulation 608	Adoption of the 2020 Annual General Adjustment of 2.9%
Regulation 1001	Clarifies that Landlords of all Rental Units shall file notices of termination of tenancy and change in terms of tenancy with the Rent Board
Amended Regulation 904(B) (4) (b)	Corrects a typo of Civil Code Section 1941, to Civil Code 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).
Emergency Regulation 20-01	Permits the conduction of hearing and appeals through telecommunications and/or videoconferencing and allows that any document tied to hearings and appeals be served by email; and (3) require that both parties agree to a hearing by telecommunication and/or videoconferencing prior to such a hearing being conducted.

# Fiscal Policies and Contracts Established by the Richmond Rent Board

- Adoption of the Fiscal Year 2019-20 Rent Program Budget and Fee Study, including a 10 year financial projection
- Adoption of a Special Reserve Fund Policy
- Approved amended contracts with community legal service providers, Bay Area Legal and the Eviction Defense Center
- Approved Interpreting and Translating contracts (The Spanish Group and Interpreters Unlimited)

# Trainings and Informational Reports Received by the Richmond Rent Board

- Monthly Program reports detailing organizational activities and Program data
- Presentation on the 2019-20 Budget and Fee Study
- Monthly Rent Board minutes
- Monthly revenue and expenditure reports
- Monthly letters from community members regarding the Rent Ordinance
- Training on Rosenberg's Rules of Order
- Training on the Fair Political Practices Commission
- Training on the Brown Act
- Training on the Richmond Rent Board appeals process

# Trainings and Informational Reports Received by the Richmond Rent Board

- The 2018-19 Annual Report (presented November 2019)
- Presentation on the state's anti-gouging law (AB 1482) (December 2019)
- Training on AB 3088/SB 91 (COVID-19 Tenant Relief Act)
- 2019 Affordable Housing Report
- Report on City of Richmond 2019 Financial Audit which includes an audit of the Rent Program budget

# Landlord/Tenant Appeals Heard by the Richmond Rent Board

- The Rent Board heard 5 Tenant appeals to Rent Adjustment Petitions, rendering 5 final decisions on appeal.

Appeal Number	Description
RC19-T048 (June 17, 2020)	Appellants appeal a Hearing Examiner's Decision that awarded Respondents a rent reduction for decreases in both space and services in the amount of \$9,117 and reduced Respondents' Maximum Allowable Rent (hereinafter, "MAR") by 22%.
RC19-T059 (July 15, 2020)	Appellant appeals a Hearing Examiner's Decision that awarded Respondent Excess Rent in the amount of \$6,198.58, and awarded Excess Rent \$3,428.08 based on a decrease in both space and services.
RC19-T067 (November 18, 2020)	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.
RC20-T093/T094/T106 (Order of Remand) (February 17, 2021)	Appellant appeals a Hearing Examiner's Decision that awarded Respondents Excess Rent in the amount of \$13,248.01, based on the notion that the Appellant failed to remit full Relocation payments, failed to return a portion of Security Deposit, and charged utilities despite the lack of submetering.
RC20-T107 (June 16, 2021)	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.

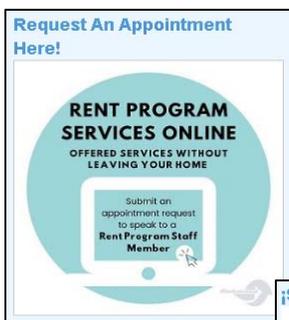
# COVID-19 Pandemic Related Policies Adopted by the Richmond Rent Board

- Reduced the recommended Rental Housing Fee by \$1 in consideration of the financial impact of the COVID-19 pandemic on Landlords
- Adopted policies to determine the method and format for future Rent Board meetings as it relates to the COVID-19 pandemic.
- Adopted policy to allow for telecommunication and/or videoconferencing of Board meetings, hearings and appeals and allow for service of petitions via email.
- The Rent Program was the first agency in the City to close its office and institute safety measure for staff, including rules around working from the office during the pandemic (for staff who need to come in to process mail, receivables, billing, etc.)



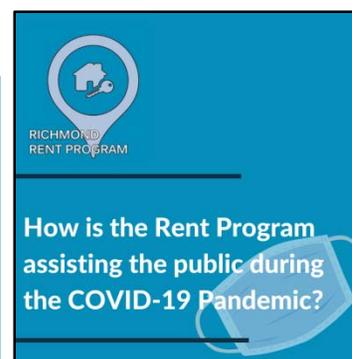
# **Rent Program Activities During the COVID-19 Pandemic**

# Rent Program Outreach and Education Activities



- **6,704** housing counseling sessions conducted via email, phone and Zoom counseling and sessions
- **2,200** billing and registration consultations
- **150** tenants referred to legal service providers (EDC and Bay Legal)
- **13** educational workshops held with **385** community members attending

- **57** social media posts on **Evictions, Rent Control, and Community Resources** reaching a total of **582** community members
- Developed and implemented an online appointment system to make it easier for community members to secure a housing counseling sessions or receive assistance from billing and registration staff.



# Rent Program Outreach and Education Activities Related to the COVID-19 Pandemic

- Creation and regular updating of a comprehensive fact sheet titled “**Coronavirus (Covid-19) And Rentals: What Richmond Tenants And Landlords Need To Know**”
- Created a special webpage on “COVID-19 Rental Related Information and Resources”
- Created special webpage on the Rent Program website regarding local and state rent assistance programs
- Postcard to be mailed (July/August 2020) to all Richmond residents informing them of Their rights on the Rent Ordinance and the local and state eviction and rent increase moratoriums

COVID-19 Rental Information and Resources



## COVID-19 and Rentals

*What Richmond Landlords and Tenants Need to Know*

City of Richmond Urgency Ordinance No. 02-21 (“Eviction Moratorium”)

On March 23, 2021, the Richmond City Council adopted [Urgency Ordinance No. 02-21 \(“Eviction Moratorium”\)](#) establishing a temporary moratorium on certain evictions of residential tenants in Richmond through the local emergency and sixty (60) days thereafter.

During the local emergency and continuing for sixty days afterward, landlords are prohibited from evicting tenants in most circumstances, except for the following:

- A nuisance that poses an imminent health or safety threat
- The tenant has failed to pay rent that came due between March 1, 2020, and June 30, 2021, pursuant to the [COVID-19 Tenant Relief Act](#).
- The termination is to remove the residential real property from the rental market ([Ellis Act](#)), but only authorized by Government Code section 7060 et seq., and following the requirements of the [Chapter 5, Richmond Rent Board Regulation](#).

[Access the City of Richmond Urgency Ordinance No. 02-21 \(“Eviction Moratorium”\)](#)



**Rent Program Fact Sheet**  
County and State Laws Concerning Evictions and Rent Increases During the COVID-19 Pandemic



**Hoja Informativa del Programa de Renta**  
Leyes del Condado y del Estado sobre desalojos y aumentos de renta durante la pandemia del COVID-19

# Hearings Unit Activities During the Pandemic

- **24** decisions and settlements with positive financial impact on Tenants (**6 decisions and 18 settlements**)
- **7** decisions and settlements with positive financial impact on Landlords (**5 decisions and 2 settlements**)
- **515** hearing consultations
- **Financial Impact of Hearings Decisions and Settlements**
  - Landlords: \$150,360.40
  - Tenants: \$117,429.32

# Summary of Hearings Decisions and Settlements

Petition #:	Date:	Decision/ Settlement	Financial Impact
RC19-L016	5/22/2020	Decision	\$57,670.20 over 10 years (MNOI)
RC19-L017	6/17/2020	Decision	\$31,660.80 over 20 years (MNOI)
RC20-L018	5/1/2020	Decision	Unknown – Initial Rent Determination Granted
RC20-L020	10/26/2020	Decision	Unknown – Initial Rent Determination Granted
RC20-L021	12/17/2020	Settlement	Payment of \$11,805 to Tenant owed from RC19-T035 and LL allowed \$77.40/month rent increase including all AGAs.
RC20-L022	1/28/2021	Decision	\$31,056 over first five years and \$28,898.40 over second five years for total impact of \$59,954.40 over 10 years (MNOI).
RC19-T085	2/4/2020	Settlement	Landlord owed Tenant for Defective Conditions. Tenant owed Landlord more for unpaid rent. Compromise of \$1,075 payable to Landlord.
RC19-T081	2/11/2020	Settlement	\$520 payable by Landlord to Tenant due to defective conditions.
RC19-T082	2/24/2020	Decision	Tenant failed to meet burden on Excess Rent as property was fully exempt.

# Summary of Hearings Decisions and Settlements

Petition #	Date	Decision/ Settlement	Financial Impact
RC19-T083	2/6/2020	Settlement	\$1,559 payable by Landlord to Tenant due to impaired use of property during renovations.
RC19-T084	3/3/2020	Settlement	\$2,000 payable by Landlord to Tenant due to defective conditions.
RC19-T086	2/25/2020	Settlement	\$5,000 payable by Landlord to Tenant due to defective conditions.
RC19-T087	5/15/2020	Decision	\$9,460.16 Awarded to Tenant for Excess Rent and Utilities.
RC19-T088	3/10/2020	Settlement	\$460 payable to Tenant for renter's insurance and a credit for late fees.
RC20-T093, T094 & T106	8/17/2020 & July 2021	Decision Upon Remand	\$14,232.59 Awarded to Tenants for utilities, relocation and security deposit refund
RC20-T095	2/27/2020	Settlement	\$4,707.56 payable to Tenant for Excess Rent.
RC20-T097	7/2/2020	Settlement	\$15,386.33 payable to Tenant for Excess Rent.
RC20-T098	7/16/2020	Settlement	\$1,077 payable to Tenant for Excess Rent.

# Summary of Hearings Decisions and Settlements

Petition #	Date	Decision/ Settlement	Financial Impact
RC20-T099	8/20/2020	Settlement	\$9,406.27 payable to Tenant for Excess Rent.
RC20-T100	9/29/2020	Settlement	\$1,300 payable to Tenant for Excess Rent.
RC20-T101	8/26/2020	Decision	\$2,306.84 payable to Tenant by Master Tenant for Excess Rent and security deposit refund
RC20-T102	8/13/2020	Settlement	\$200 payable to Tenant for Excess Rent.
RC20-T103	8/18/2020	Settlement	\$10,000 payable to Tenant for Temporary Relocation
RC20-T104	8/25/2020	Settlement	\$17,412 payable to Tenant for both Temporary and Permanent Relocation.
RC20-T107	12/8/2020	Decision	\$1,226.36 payable to Tenant for Excess Rent following Appeal.

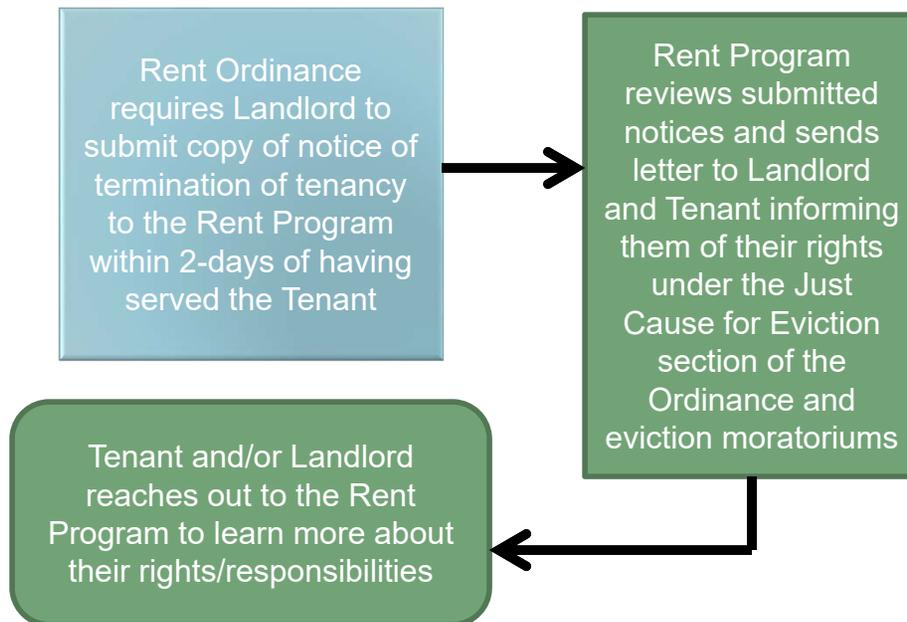
# Summary of Hearings Decisions and Settlements

Petition #	Date	Decision/ Settlement	Financial Impact
RC20-T108	10/20/2020	Settlement	\$773.62 payable to Tenant for Excess Rent.
RC20-T109	11/29/2020	Settlement	\$7,000 payable to Tenant for Temporary Relocation.
RC20-T110	2/4/2021	Settlement	\$1,063 payable to Tenant for Relocation.
RC20-T111	2/2/2021	Settlement	\$1,608.75 payable to Tenant for Excess Rent and security deposit refund.
RC21-T117	5/18/2021	Decision	\$729.84 Awarded to Tenant for Excess Rent.
RC21-T118	4/22/2021	Settlement	\$10,000 payable to Tenant for Permanent Relocation.

# Legal Unit Activities

- **33** Public Records Act requests processed
  - PRAs generated over 10,000 documents
- **5** Appeals Hearings Held
- **5** Appeals Recommendations to the Board by Legal Staff
- Rent Program Legal Unit staff provided consultation to the City Attorney's Office on numerous occasions regarding the City's eviction moratoriums and Tenant Harassment Ordinance

## Enforcement of the Rent Ordinance's Eviction Noticing Requirements



Notice Type	Number
Non-payment of rent	804
Breach of Lease	66
Failure to Give Access	2
Nuisance	51
Withdrawal from the Rental Market	3
Owner Move-In	25
Substantial Repairs (Temporary Eviction)	1
Temporary Tenancy	1
<b>Total notices submitted</b>	<b>953</b>

# Billing and Collection Activities and Statistics During the Pandemic

Compliance with the Rental Housing Fee has increased steadily every fiscal year

- 61% compliance in 2017-18
- 78% compliance in 2018-19
- 93% compliance in 2019-20

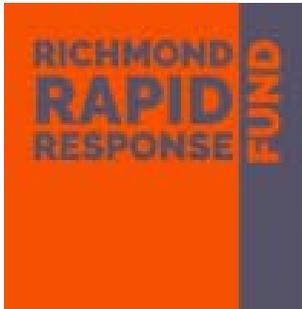
95.7% compliance in 2020-21 based on:

**Adopted budget = 2,896,242.00**  
**Program Revenue = 2,772,239.00**

Continuing to refine the Program's Rental Housing Database

- 298 additional properties enrolled
- 235 newly discovered units added
- **80** claims of exemption for owner occupancy of which 76 were approved
- **58** claims inapplicability (e.g. rent free) of which 16 have been either approved or denied

# Collaboration with the City of Richmond



## ORDINANCE NO. 02-21 N.S.

City of Richmond  
Moratorium on  
certain evictions



- Rent Program collaborated with Community Development Department to establish Richmond's first Rent Assistance Program through the Richmond Rapid Response Fund
- Rent Program Legal Staff collaborated and had various consultations with City Attorney's Office in the drafting of the City's various Emergency Orders (eviction moratoriums) and Tenant Harassment Ordinance
- Rent Program has continued to lead interdepartmental Affordable Housing monthly meetings with the Police, Fire and Community Development Departments.

# Stabilizing Rent Program Finances

- **End of Reimbursement Agreement with the City of Richmond**
  - Billing cycle moved up from September to June/July as a result
  - Contract with Bay Legal and the Eviction Defense Center amended to shorten contract and reduce spending for the first two months of FY 2020-21 (July, August and September 2020)
- **Addressing concerns about negative financial impact on Landlords of pandemic on collection of the Rental Housing Fee**
  - Established Rental Housing Fee payment deferral policy for Landlords who are struggling financially due to the pandemic
  - Established payment plan policy for Landlords struggling financially. During pandemic we deferred 9 Rental Housing Fee payments, and 14 payment plans
  - Waived \$116,962 in late fees during the COVID-10 Pandemic
- **Special Reserve Policy Adopted by the Board and Implemented by Rent Program for FY 2021-22**
- **2021 Annual Budget adopted with a 10 year Financial Plan**

# Recommended Action

Receive presentation on the activities of the Richmond Rent Board and Richmond Rent Program during the COVID-19 Pandemic (February 2020- June 30, 2021)