



REGULAR MEETING OF THE RENT BOARD OF THE CITY OF RICHMOND

AGENDA
Wednesday, August 18, 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/85399913042?pwd=emh5VWY0dG1SWHE2eTc3blR2QStHQQT09>

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 +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

Step 2: Webinar ID: 853 9991 3042

Step 3: Enter the following passcode: 402423476

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

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, August 18, 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 July 21, 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 2021-22 Monthly Activity Report through July 2021. *Cynthia Shaw*

F-4. RECEIVE the Rent Program FY 2021-22 Monthly Revenue and Expenditure Report through July 2021. *Nicolas Traylor*

G. RENT BOARD AS A WHOLE

G-1. (1) RECEIVE presentation on proposed Rent Board Late Fee Waiver Policy and (2) DIRECT staff to prepare proposed regulation(s) to clarify the policy for waiving late fees, including setting standards as to when late fees should be approval in whole or in part. *Nicolas Traylor*

H. REPORTS OF OFFICERS

I. 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: August 18, 2021

Final Decision Date Deadline: August 18, 2021

STATEMENT OF THE ISSUE: The minutes of the July 21, 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 July 21, 2021, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-1.

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RICHMOND, CALIFORNIA, July 21, 2021

The Regular Meeting of the Richmond Rent Board was called to order at 5:01 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/89824405254?pwd=S1Jva1FZbElxVkJrNEIDMGhuNzFaQT09>

Password: rentboard

Or By Telephone:

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: 898 2440 5254

International numbers available:

<https://us02web.zoom.us/j/kzdDCT9nA>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, July 21, 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 Chair Finlay, seconded by Boardmember Conner to remove Item F-3 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

None.

RENT BOARD CONSENT CALENDAR

On motion of Boardmember Conner, seconded by Boardmember Vasilas, the item(s) marked with an (*) were approved unanimously:

*F-1. Approve the minutes of the June 16, 2021, Regular Meeting of the Richmond Rent Board.

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

RENT BOARD AS A WHOLE

F-3. The matter to receive the Rent Program FY 2020-21 Monthly Revenue and Expenditure Report through June 2021 was presented by Chair Finlay. Chair Finlay requested this item be removed from the Consent Calendar because she wanted to discuss the apparent increases in expenditures pertaining to dental

insurance and UAL. Executive Director Nicolas Traylor responded that he would provide Boardmembers with further explanation after discussing this matter with the assigned Budget Analyst in the Finance Department. There were no public comments on this item. Discussion ensued. A motion by Vice Chair Mishek, seconded by Boardmember Johnson, passed by the following vote: **Ayes:** Boardmembers Conner, Johnson, Vasilas, Vice Chair Mishek, and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

G-1. The matter to receive presentation on the activities of the Richmond Rent Board and Richmond Rent Program during the COVID-19 Pandemic (February 2020 through June 30, 2021), was presented by Executive Director Nicolas Traylor. The presentation included an overview of Adoption of Regulations and Resolutions During the Pandemic, Training and Informational Reports Received by the Richmond Rent Board, Landlord/Tenant Appeals Heard by the Richmond Rent Board, COVID-19 Pandemic Related Policies Adopted by the Richmond Rent Board, Rent Program Outreach and Education Activities, Hearings Unit Activities During the Pandemic, Legal Unit Activities, Billing & Collection Activities and Statistics During the Pandemic, Collaborations with the City of Richmond, and information on the Stabilizing of Rent Program Finances. There were no public comments on this item. Discussion ensued. The Board received the presentation and no formal action was taken on this item.

REPORTS OF OFFICERS

Executive Director Nicolas Traylor announced that there had been a selection made for the Deputy Director position and the scheduled start date is at the end of August 2021. He also announced the upcoming Spanish-only workshop, titled Navegando el Proceso de Desalojo en Richmond (Navigating the Eviction Process in Richmond), and held on Friday, July 23, 2021, from 4:00 to 6:00 PM.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:22 P.M.

Cynthia Shaw and Sarah Schaff
Staff Clerks

(SEAL)

Approved:

Virginia Finlay, Rent Board Chair

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: August 18, 2021

Final Decision Date Deadline: August 18, 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

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

RECOMMENDED ACTION: RECEIVE 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.

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Cynthia Shaw

From: Cordell Hindler <cordellhindler@ymail.com>
Sent: Wednesday, July 21, 2021 5:20 PM
To: Cynthia Shaw
Subject: Public Comments

hello Cynthia, I do apologize for not submitting my comments last week, here is what I was going to say:

1. I wanted to invite the Rent Board to the Richmond Chamber Mixer Tomorrow at 4:00 pm at the factory Bar

10.00 dollars for members 15.00 for nonmembers

2. also I wanted to know the Status on when the board will be back in the chambers

Sincerely
Cordell

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: August 18, 2021

Final Decision Date Deadline: August 18, 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

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

RECOMMENDED ACTION: RECEIVE the Fiscal Year 2021-22 Monthly Activity Report through July 2021 - Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-3.

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**Rent Program
FY2021-22 Monthly Activity Report**

ITEM F-3

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1		Jul-2020	Aug-2020	Sept-2020	Oct-2020	Nov-2020	Dec-2020	Jan-2021	Feb-2021	Mar-2021	Apr-2021	May-2021	June-2021	Jul-21	
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	179	209	2,652
6	Rent/Eviction Counseling Appointments By Walk-ins												12	71	83
7	Rent/Eviction Counseling Questions Addressed By Email	308	341	135	434	363	242	194	155	166	203	123	182	212	3,058
8	TOTAL RENT/EVICTION COUNSELING APPOINTMENTS	505	536	359	683	554	418	412	340	387	472	262	373	492	5,793
12	Rent/Eviction Counseling Sessions Conducted in Another Language	-	-	-	-	-	-	-	-	-	-	-	15	45	60
13	TOTAL RENT/EVICTION COUNSELING APPOINTMENTS IN A LANGUAGE OTHER THAN ENGLISH	105	155	135	217	155	105	157	131	155	155	35	15	45	1,565
14	Legal Service Referrals	9	5	15	26	13	7	9	11	9	7	7	5	15	138
15	Written Legal Referrals														-
16	Verbal Legal Referrals														-
17	Mediations Conducted	-	-	-	-	-	-	2	3	1	-	2	1	2	11
18	Assists from Front Office Staff	123	217	172	123	212	179	212	216	66	212	187	215	266	2,400
19	Courtesy Compliance Letters Sent	78	62	8	50	12	27	24	11	2	-	5	3	15	297
20	Community Workshop Attendees	38	40	11	12	39	-	-	127	1	31	15	2	1	317
21	Hard Copy Rent Increase Notices Processed	8	62	22	6	3	5	-	-	-	4	-	2	7	119
22	Hard Copy Termination of Tenancy Notices Processed	1	-	26	9	3	2	6	-	11	62	41	29	5	509
24	Billing/Enrollment/Registration Counseling Appointments In-Person	-	-	-	-	-	-	-	-	-	-	-	-	7	7
25	Billing/Enrollment/Registration Counseling Appointments By Phone	19	119	76	41	22	32	15	14	44	80	93	56	83	694
26	Billing/Enrollment/Registration Counseling Questions Addressed By Email	62	152	73	28	20	71	81	27	25	94	105	105	131	974
27	TOTAL BILLING/ENROLLMENT/REGISTRATION COUNSELING APPOINTMENTS	81	271	149	69	42	103	96	41	69	174	198	161	214	1,668
28	Enrollment/Tenancy Registration Packets Mailed	13	108	4	21	-	4	4	55	120	12	42	5	77	465
29	Enrollment Forms Processed	16	19	9	5	1	8	13	12	15	10	9	4	31	152
30	Rental Housing Fee Invoices Generated	175	10,751	672	55	8	247	27	154	207	4,427	33	12,294	4,729	33,779
31	Checks Processed	8	148	1,084	142	46	8	21	20	20	23	70	45	881	2,516
32	Checks Returned	1	1	3	5	4	2	2	2	1	2	1	-	2	26
33	Rental Units Discovered Not in Database	3	-	-	1	-	-	-	18	-	1	5	8	1	37
34	Property Information Updated	20	6	55	13	9	9	-	40	8	7	14	39	153	373
35	Compliance Actions (Reviewing Records, Exemption Statuses, Addresses)	135	53	-	15	32	-	194	37	233	194	236	5	-	1,134
36	Applications for Administrative Determination of Exempt/Inapplicable Status Received	1	16	20	4	2	4	4	2	2	1	3	3	8	70
37	Administrative Determination of Exempt/Inapplicable Status Issued	-	-	4	2	1	4	2	-	3	4	1	3	-	24
38	Declarations of Exemption Processed	-	-	7	-	4	-	7	13	6	23	4	10	4	78
39	LEGAL UNIT														-
40	Public Records Act Requests Received	1	2	-	4	3	2	1	3	1	1	-	2	1	21
41	Owner Move-In Eviction Termination of Tenancy Notices Reviewed	1	-	-	2	1	2	1	2	1	-	-	1	-	11
42	Withdrawal from the Rental Market (Ellis Act) Termination of Tenancy Notices Reviewed	-	-	-	-	-	1	-	-	2	-	1	1	2	7
43	Substantial Repairs Termination of Tenancy Notices Reviewed	-	-	-	-	-	-	-	-	1	-	-	-	-	1
44	Appeal Hearings Held	-	-	-	-	1	-	-	1	-	-	-	1	-	3
45	HEARINGS UNIT														-
47	DUES & PUB/Subscription														-
48	Consultations with Hearings Unit Coordinator By Phone	21	10	22	17	9	7	9	8	7	2	5	-	3	120
49	Hearings-Related Questions Addressed by Email	73	53	59	34	35	38	31	27	20	15	13	18	17	433
50	TOTAL HEARINGS-RELATED CONSULTATIONS	94	63	81	51	44	45	40	35	27	17	18	18	20	553
53	Increase in Space or Services Petitions Received (Attachment C)	-	-	-	-	-	-	-	-	-	-	-	-	-	1
55	Landlord Individual Rent Adjustment Petitions Received	-	-	-	-	-	-	-	-	-	-	-	-	1	1
56	Landlord Petition to Determine Exempt Status Received	-	-	1	1	-	2	1	-	-	-	-	-	-	5
57	TOTAL LANDLORD PETITIONS RECEIVED	2	-	1	2	1	2	1	-	-	-	-	-	1	10
58	Excess Rent or Failure to Return Sec Dep Petitions Received (Attachment A)	-	1	2	-	-	-	-	-	-	-	-	-	-	3
60	Reduction in Number of Tenants Petitions Received (Attachment C)	-	-	-	-	-	-	-	-	-	-	-	-	-	-
62	Tenant Petition for Rent Withholding Petitions Received	-	-	-	-	-	-	-	-	-	-	-	-	-	-
63	Tenant Petition for Failure to Pay Relocation Payment Petitions Received	1	1	-	-	2	-	1	1	-	-	-	-	-	6

**Rent Program
FY2021-22 Monthly Activity Report**

ITEM F-3

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1		Jul-2020	Aug-2020	Sept-2020	Oct-2020	Nov-2020	Dec-2020	Jan-2021	Feb-2021	Mar-2021	Apr-2021	May-2021	June-2021	Jul-21	
2		MTD ACTUAL	YTD TOTAL												
67	Request to Expedite Hearing Process	-	-	-	-	-	-	-	-	-	-	-	-	-	-
68	Request for a Continuance of the Hearing Process	-	-	-	3	-	-	1	-	1	1	-	-	-	6
69	Subpoena(s)	-	-	1	-	-	-	-	-	2	-	-	-	-	3
70	TOTAL OTHER PETITIONS RECEIVED	-	-	1	3	-	-	1	-	3	1	-	-	-	9

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: August 18, 2021

Final Decision Date Deadline: August 18, 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

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| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) | | |
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| <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 2021-22 Monthly Revenue and Expenditure Report through July 2021 – Rent Program (Nicolas Traylor 620-6564).

AGENDA ITEM NO:

F-4.

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: August 18, 2021

Final Decision Date Deadline: August 18, 2021

STATEMENT OF THE ISSUE: Pursuant to Richmond Municipal Code Chapter 11.100 (hereafter Rent Ordinance), Landlords are required to pay a Residential Rental Housing Fee (hereafter Rental Housing Fee) per Rental Unit. Landlords who fail to pay the Rental Housing Fee in a timely manner are assessed a late fee penalty. In 2018, after a fee study was completed, the Richmond City Council passed a late fee schedule that established the following assessments: a 10% late fee after being 30-days late, a 25% late fee after 60-days and a 50% late fee after 90-days from the date of the original invoice. Subsequent to the adoption of the late fee schedule, the Rent Program established an internal late fee waiver policy consistent to policies in similar rent control agencies. This policy has allowed the Executive Director their designee to administratively waive late fees under particular circumstances (see Attachment 1). Since its inception the Rent Program has waived \$142,644.40 in late fee through its administrative waiver process. \$25,682 in late fees were waived prior to the pandemic and \$116,962 in late fees were waived during the COVID-19 pandemic. In light of the fact that the Rent Board has full authority over the Rent Program budget/spending (fees collected and/or waived), and in the interest of public transparency, staff recommend that all late waive approvals and/or denials be subject to Rent Board 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> | |

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

RECOMMENDED ACTION: (1) RECEIVE presentation on proposed Rent Board Late Fee Waiver Policy and (2) DIRECT staff to prepare proposed regulation(s) to clarify the policy for waiving late fees, including setting standards as to when late fees should be approval in whole or in part – Rent Program (Nicolas Traylor/510-620-6564).

AGENDA ITEM NO:

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AGENDA REPORT

DATE: August 18, 2021
TO: Chair Finlay and Members of the Rent Board
FROM: Nicolas Traylor, Executive Director
SUBJECT: PROPOSED RENT BOARD LATE FEE WAIVER POLICY

STATEMENT OF THE ISSUE:

Pursuant to Richmond Municipal Code Chapter 11.100 (hereafter Rent Ordinance), Landlords are required to pay a Residential Rental Housing Fee (hereafter Rental Housing Fee) per Rental Unit. Landlords who fail to pay the Rental Housing Fee in a timely manner are assessed a late fee penalty. In 2018, after a fee study was completed, the Richmond City Council passed a late fee schedule that established the following assessments: a 10% late fee after being 30-days late, a 25% late fee after 60-days and a 50% late fee after 90-days from the date of the original invoice. Subsequent to the adoption of the late fee schedule, the Rent Program established an internal late fee waiver policy consistent to policies in similar rent control agencies. This policy has allowed the Executive Director their designee to administratively waive late fees under particular circumstances (see Attachment 1).

Since its inception the Rent Program has waived \$142,644.40 in late fee through its administrative waiver process. \$25,682 in late fees were waived prior to the pandemic and \$116,962 in late fees were waived during the COVID-19 pandemic. In light of the fact that the Rent Board has full authority over the Rent Program budget/spending (fees collected and/or waived), and in the interest of public transparency, staff recommend that all late waive approvals and/or denials be subject to Rent Board approval.

RECOMMENDED ACTION:

(1) RECEIVE presentation on proposed Rent Board Late Fee Waiver Policy and (2) DIRECT staff to prepare proposed regulation(s) to clarify the policy for waiving late fees, including setting standards as to when late fees should be approval in whole or in part – Rent Program (Nicolas Traylor/510-620-6564).

FISCAL IMPACT:

There is no fiscal impact in terms of increased staff costs. Collection of the Rental Housing

Fee would not be impacted, as Landlords would still be required to pay the Rental Housing Fee (minus the late fees) prior to the Rent Board approving a waiver.

DISCUSSION:

Background

Section 11.100.060(m) of the Rent Ordinance establishes both the integrity and autonomy of the Rent Board by mandating that the Rent Board “be an integral part of the government of the City [of Richmond],” and “exercise its powers and duties under [Chapter 11.100] independent from the City Council, City Manager, and City Attorney, except by request of the [Rent] Board.” The Rent Ordinance further vests the Rent Board with the sole power to oversee and adopt its own budget, while establishing that “the City Council and the City Manager shall have no authority to oversee, supervise, or approve this budget.” The Rent Program budget is comprised only of reasonable and necessary expenses to achieve the purpose of the Rent Ordinance and is currently funded in whole by the Rental Housing Fee charged to all Landlords in an amount deemed necessary and reasonable by the Rent Board and approved by the City Council.

Since 2017, the Rent Program has sent out Rental Housing Fee invoices to all Richmond Landlords on an annual basis. In its efforts to collect the fees, staff members have encountered various issues concerning Landlords’ nonpayment of the fees. For instance, while in the continuous process of refining Richmond’s rental housing database, the Rent Program regularly discovers Rental Units that have not been enrolled since the inception of the Program or that have changed status from non-rented to rented over the years, without informing the Rent Program. In other cases, some Landlords claim to not have received an invoice because of a billing, mailing or clerical error. Finally, some owners assert a financial hardship, health issues, or other reasonable basis for not paying the Rental Housing Fee on time.

Given these various circumstances surrounding nonpayment of the fees, the Rent Program adopted an internal policy regarding assessing late fees. Under the current internal policy, the Executive Director or his/her designee may waive all or some of the late fees based on the criteria described above and listed in Request for Late Fee Waiver form (Attachment 1). To date, \$142,644.40 in late fees has been waived. The vast majority of late fees were waived during the COVID-19 pandemic (February 2020-present), with many Landlords asserting financial hardship due to the pandemic. There have been a few circumstances where Landlords were late for more than one fiscal year and requested a late fee waiver. In those cases, late fees were either waved in full or in part.

To be clear, every Landlord who has requested a late fee waiver has either received a partial or full granting of their request. However, the current Rent Program internal policy lacks a requirement of Rent Board approval, and/or Rent Board oversight. To ensure the appropriate level of Rent Board oversight and public accountability, staff members are seeking direction and feedback from the Rent Board with regard to drafting a proposed

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Rent Board late fee waiver regulation that would achieve the proper degree of oversight and accountability. Upon direction from the Rent Board, Rent Program staff would draft a proposed regulation that not only sets forth the Rent Board approved criteria for granting a waiver, but also standards for when fees should be approved in full or in part.

General Late Fee Waiver Policy Proposal

Rent Program staff understands the importance of establishing policies that are practical and administratively efficient and effective. Towards that end, Rent Program staff recommends the following overall process as a starting point for receiving additional Rent Board input:

- 1) Rent Program staff receives a request for a late fee waiver from Landlord.
- 2) The Executive Director or his or her designee reviews the late fee waiver requests and issue a recommendation for Rent Board to approve the waiver, in full or in part, or deny the waiver, based on the Landlords reason for requesting the waiver and their payment history.
- 3) Rent Program staff compiles the late fee waiver requests for each month and places that list on the consent calendar for the following month's Rent Board meeting.
- 4) Rent Board members review a spreadsheet with details on each request (date of request, the reason(s) for request, a recommendation to the Board to approve or deny the request, and total amount waived). Each Late Fee Waiver Request form would be included as attachments for the Board's review.
- 5) Rent Board members vote to approve recommended waivers or may pull individual Request from the consent calendar for further discussion.

Next Steps

Upon direction provided by the Rent Board, Rent Program staff will draft proposed regulation(s) that clarify the policy for waiving late fees and provide standards to when late fees waivers should be approved in whole or in part.

ATTACHMENT(S):

Attachment 1 - Late Fee Waiver form

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**August 18, 2021
RENT BOARD MEETING**

ATTACHMENT 1



Request to Remove Late Fees

Property Owner Name: _____

FRJC #: _____

Property Owner Phone Number or Email: _____

The Property Owner has requested the removal of late fees on their account totaling \$ _____ for the following reason:

- New Owner, did not receive invoice
- Wrong Mailing Address
- Owner believed property was exempt from the Rent Ordinance
- Financial hardship, caused by circumstances beyond the Landlord’s control, such as natural disaster, destruction or major damage to the Rental Property not due to the Landlords actions, bankruptcies and disputes over ownership of the property.
- Hospitalizations or medical treatments of the Landlord or Landlord’s family during the fee billing period, or a death in the family within the fee billing period
- The landlord was billed for a fewer number of units because of errors in property records maintained by the Rent Program where the error was not attributable to information supplied by the Landlord. The penalties are waived only for unbilled units; the billed units should be paid on time.
- A previously enrolled property was not billed as a result of staff error.
- An invalid or erroneous account number was assigned, which resulted in billing errors or improper crediting of payments by the landlord.
- The determination of whether or not the property was subject to the Ordinance required an analysis through the existing Administrative Determination of Exempt Status process. Penalties will be waived only while the determinations pending. If the Landlord raised the issue requiring administrative determination, penalties will be waived only from the date of the first written contact with the Board in which the issue was raised. Waiver of penalties will not be granted if the staff determines that the issue raised is already settled and/or has no substantial merit. If the issue was raised by Rent Board staff, the waiver period commences on the date on which the administrative determination was requested by the staff. In all situations in which a determination was requested, the waiver period terminates when the Landlord is notified of the determination regarding the status of his/her property.
- The property owner was unable to collect some or all of the rent due to the COVID-19 pandemic and the resulting hardship led to non-payment of the Rental Housing Fee. In this case, the property owner must declare under penalty of perjury, in detail, how COVID-19 has impacted their business (i.e. how many month’s tenants didn’t pay rent, illness in the family or self, etc.)
- Other: _____

This request has been conditionally granted by the Rent Program, provided the owner pays the Rental Housing Fee before _____.
(10 business days unless new owner or incorrect mailing address - then 30 days)

Executive/Deputy Director Signature / Staff Initials

Date