

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: December 15, 2021

Final Decision Date Deadline: December 15, 2021

STATEMENT OF THE ISSUE: Richmond Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance (hereinafter, "Rent Ordinance") creates a categories of exemptions for certain dwelling units that can neither be narrowed nor expanded. One of these exemptions are those dwelling units that comply with the Small Second Unit Ordinance, where the property owner is the Primary Resident of the first larger single family home. Sometime in 2019, the City Council revamped its Zoning Ordinance to bring it into compliance with existing State law. Part of its revamp included updating its Small Second Unit Ordinance to better align it with State law requirements as it applies to ADUs and JADUs. As a result, the City Council voted to replace the Small Second Unit Ordinance with Richmond Municipal Code Section 15.04.610.020, titled "Accessory Dwelling Units and Junior Dwelling Units." After City Council approved the changes to its ADU and JADU laws, Rent Program staff members have been communicating to the public that they would still qualify for an exemption if they met the provisions of Richmond Municipal Code Section 15.04.610.020, as that Chapter simply is an updated version of the Small Second Unit Ordinance. Consistent with the information provided by Rent Program staff members, the Rent Program is requesting the new changes in the Municipal Code be reflected in the Rent Board's Regulations.

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

- 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: AMEND Regulation 201(D), to reflect the changes and retitling of Small Second Unit Ordinance to Richmond Municipal Code Section 15.04.610.020, titled "Accessory Dwelling Units and Junior Dwelling Units." – Rent Program (Nicolas Traylor 620-6564).

AGENDA ITEM NO:

H-1.

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AGENDA REPORT

DATE: December 15, 2021
TO: Chair Finlay and Members of the Rent Board
FROM: Nicolas Traylor, Executive Director
SUBJECT: Revision of Rent Board Regulation 201(D)

STATEMENT OF THE ISSUE:

Richmond Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance (hereinafter, "Rent Ordinance") creates a categories of exemptions for certain dwelling units that can neither be narrowed nor expanded. One of these exemptions are those dwelling units that comply with the Small Second Unit Ordinance, where the property owner is the Primary Resident of the first larger single family home. Sometime in 2019, the City Council revamped its Zoning Ordinance to bring it into compliance with existing State law. Part of its revamp included updating its Small Second Unit Ordinance to better align it with State law requirements as it applies to ADUs and JADUs. As a result, the City Council voted to replace the Small Second Unit Ordinance with Richmond Municipal Code Section 15.04.610.020, titled "Accessory Dwelling Units and Junior Dwelling Units." After City Council approved the changes to its ADU and JADU laws, Rent Program staff members have been communicating to the public that they would still qualify for an exemption if they met the provisions of Richmond Municipal Code Section 15.04.610.020, as that Chapter simply is an updated version of the Small Second Unit Ordinance. Consistent with the information provided by Rent Program staff members, the Rent Program is requesting the new changes in the Municipal Code be reflected in the Rent Board's Regulations.

RECOMMENDED ACTION:

AMEND Regulation 201(D), to reflect the changes and retitling of Small Second Unit Ordinance to Richmond Municipal Code Section 15.04.610.020, titled "Accessory Dwelling Units and Junior Dwelling Units." – Rent Program (Nicolas Traylor 620-6564).

FISCAL IMPACT:

There is no fiscal impact related to this item.

DISCUSSION:

Background

The Richmond Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance (hereinafter, "Rent Ordinance") creates categories of exemptions for certain dwelling units that can neither be narrowed nor expanded. One of these exemptions are those dwelling units that comply with the Small Second Unit Ordinance, where the property owner is the Primary Resident of the first larger single family home. The Small Second Unit Ordinance was an Ordinance that created standards and procedures whereby an owner could seek and be granted approval to build an Accessory Dwelling Unit on their parcel. However, it would appear that over time the Small Second Unit Ordinance became outdated as it did not appropriately reflect the changes in ADU requirements as espoused by the State. As such, City Council voted to replace the Small Second Unit Ordinance with Richmond Municipal Code Section 15.04.610.020, titled "Accessory Dwelling Units and Junior Dwelling Units." After City Council approved the changes to its ADU and JADU laws, Rent Program staff members have been communicating to the public that they would still qualify for an exemption if they met the provisions of Richmond Municipal Code Section 15.04.610.020, as that Chapter simply is an updated version of the Small Second Unit Ordinance.

Discussion

The Rent Ordinance gives a Landlord the right to exempt their ADU/JADU when such Rental Unit is in full compliance with Richmond's Small Second Unit Ordinance and the Landlord is the Primary Resident of the larger Single Family home. This right should not disappear when the Small Second Unit Ordinance is amended or replaced with an Ordinance that does the same thing but with greater compliance with State law. Both the Small Second Unit Ordinance and Richmond Municipal Code Section 15.04.610.020, are aimed at creating standards and governing the approval process of ADUs/JADUs. The change from Small Second Unit Ordinance to Richmond Municipal Code Section 15.04.610.020 was necessary as State law required local jurisdictions to comply with the State's updated ADU/JADU standards. Because Richmond Municipal Code Section 15.04.610.020, was a necessary update of the Small Second Ordinance, and because it governs the same field as the Small Second Unit Ordinance, staff members are of the opinion that the Rent Ordinance permits Landlords to exempt their ADUs/JADUs where their Rental Units are in full compliance with Richmond Municipal Code Section 15.04.610.020, and the Landlord is the Primary Resident of the larger Single Family home. This exemption should follow any subsequent changes to Richmond Municipal Code Section 15.04.610.020.

Recommendation

Staff members recommend the Rent Board AMEND Regulation 201(D), to reflect the changes and retitling of Small Second Unit Ordinance to Richmond Municipal Code Section 15.04.610.020, titled “Accessory Dwelling Units and Junior Dwelling Units.”

DOCUMENTS ATTACHED:

Attachment 1 – Clean Version of Rent Board Regulation 201.

Attachment 2 – Redline Version of Rent Board Regulation 201.

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**ITEM H-1
ATTACHMENT 1**

201. Rental Units Exempt from both the Rent Control (R.M.C § 11.100.070) and Just Cause for Eviction (R.M.C § 11.100.050) Provisions of the Ordinance

- A. Rental Units in hotels, motels, inns, tourist homes and rooming and boarding houses that are rented primarily to transient guests for a period of fewer than 14 days;
- B. Rental Units in any hospital, convent, monastery, extended medical care facility, asylum, or non-profit home for the aged, or dormitory owned and operated by an accredited institution of higher education;
- C. Rental Units for which there is a Temporary Tenancy, as defined in R.M.C § 11.100.030(q);
- D. Rental Units that are lawful and in full compliance with Richmond Municipal Code Chapter 15.04.610.020, as amended, (formerly known as the “Small, Second Unit Ordinance of the City” (R.M.C § 11.15.04)), if the owner is the Primary Resident of the first, larger single family home; and
- E. Rental Units where the Rental Unit is the Primary Residence of the property owner and the property owner shares with a Tenant(s) a bathroom or kitchen.

[Formerly Regulation 17-03; Adopted July 19, 2017]

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ITEM H-1 ATTACHMENT 2

201. Rental Units Exempt from both the Rent Control (R.M.C § 11.100.070) and Just Cause for Eviction (R.M.C § 11.100.050) Provisions of the Ordinance

- A. Rental Units in hotels, motels, inns, tourist homes and rooming and boarding houses that are rented primarily to transient guests for a period of fewer than 14 days;
- B. Rental Units in any hospital, convent, monastery, extended medical care facility, asylum, or non-profit home for the aged, or dormitory owned and operated by an accredited institution of higher education;
- C. Rental Units for which there is a Temporary Tenancy, as defined in R.M.C § 11.100.030(q);
- D. Rental Units that are lawful and in full-compliance with Richmond Municipal Code Chapter 15.04.610.020, as amended, (formerly known as -the “Small, Second Unit Ordinance of the City” (R.M.C § 11.15.04)), -if the owner is the Primary Resident of the first, larger single family home~~is occupied by the property owner~~; and
- E. Rental Units where the Rental Unit is the Primary Residence of the property owner and the property owner shares with a Tenant(s) a bathroom or kitchen.

[Formerly Regulation 17-03; Adopted July 19, 2017]

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