



REGULAR MEETING OF THE RENT BOARD OF THE CITY OF RICHMOND

AGENDA
Wednesday, December 15, 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

PURSUANT to the Governor of the State of California's Assembly Bill 361 and in the interest of the public health and safety, attendance at the City of Richmond Rent Board meeting will be conducted via videoconference and teleconference.

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. 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/83372510696?pwd=TIB0a3FDMVdKeVZZYVNVbjJnRVc0Zz09>

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: 833 7251 0696

Step 3: Enter the following passcode: 310913957

International numbers available: <https://us02web.zoom.us/j/83372510696>

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, December 15, 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 Assembly Bill 361, 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 November 17, 2021, Regular Meeting of the Richmond Rent Board. *Cynthia Shaw*
- F-2.** RECEIVE the Fiscal Year 2021-22 Monthly Activity Report through November 2021. *Cynthia Shaw*
- F-3.** RECEIVE the Rent Program FY 2021-22 Monthly Revenue and Expenditure Report through November 2021. *Fred Tran*
- F-4.** ADOPT a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference. *Charles Oshinuga*

G. CONSIDERATION OF APPEALS

- G-1.** Appellant appeals the Hearing Examiner Decision on Remand that found that Respondents were owed Excess Rent damages due to both an improper retention of Security Deposit and impermissible utility charges. Additionally, Appellant appeals the finding the Respondents were entitled *Charles Oshinuga*

to Relocation payments. Specifically, Appellant asserts that 1) Respondents in the Lower Unit were unauthorized occupants with no relationship to the Appellant and consequently, their petition is “illegitimate”; 2) any claims of Rent overcharges based on utility payments are defeated based on Upper Unit Respondents’ written agreement to pay all the utility bills; 3) Lower Unit Respondents are not entitled to Relocation payments as they were unauthorized occupants; 4) the security deposit is not refundable as Respondents caused more damage than the security deposit would otherwise cover; 5) and the Hearing Examiner was biased and deprived the Landlord of Due Process. (*Attachment D*)

H. REGULATIONS

- H-1.** 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.”

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: December 15, 2021

Final Decision Date Deadline: December 15, 2021

STATEMENT OF THE ISSUE: The minutes of the November 17, 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 November 17, 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, November 17, 2021

The Open Session to Hear Public Comment before Closed Session was called to order at 5:02 P.M.

ROLL CALL

Boardmembers Present: Conner, Johnson, Vasilas, Vice Chair Mishek, and Chair Finlay.

Staff Present: Staff Attorney Charles Oshinuga, Deputy Director Fred Tran and Executive Director Nicolas Traylor.
(Correction to the roll call made by Chair Finlay to note for the record that Deputy Director Fred Tran was present).

Absent: None.

PUBLIC COMMENT BEFORE CLOSED SESSION

Alexis Gevorgian expressed concerns about the annual Registration fee imposed on his project. He added that they have a major affordable housing project in the city, located on Nevin Ave., near the Bart line. He also expressed that they respectfully object to the method of calculation that the Rent Program is imposing on them. He also mentioned a few reasons they cannot pay this fee: #1. Their lenders conduct a re-underwriting of their entire loan, which will cause their loan amount to become far less than they originally forecasted, and it would cause a significant impact on affordable housing. He also added that their project has several layers of oversight by the Tax Cut Allocation Committee, The State of California, and several other Federal Laws. He also added, unlike a smaller project, where if it was a five-unit or ten-unit project, the fees that the Rent Program impose are reasonable, given the size and their project, however, is very large. He also expressed that they also carry the burden of having three onsite property managers who follow the Fair Housing rules, including Tenant's election and evictions. He also added that they have all kinds of agreements and regulatory requirements that they need to comply with and are also willing to comply with the Rent Program rules and regulations. He also added that having 250 units doesn't mean they should be paying 250 times more than what one-unit or a five-unit project has.

Mr. Gevorgian's time expired, and he requested additional time to continue his public comment. Chair Finlay allowed Mr. Gevorgian

an additional 5 minutes to continue his public comment with the agreement of all Rent Boardmembers.

Mr. Gevorgian continued his comment. He added that they own and manage approximately 10,000 units. He also mentioned that none of the units are in default or ongoing litigations with Tenants. They always hire third-party managers. They have two or three onsite managers that make sure that all of their Tenants are treated fairly. He added that they are not opposed to paying a reasonable fee to the Rent Program. He also expressed that they believe that, other fees in the city like Richmond, and nearby cities, for example, fire impact fee, or any fees, there's a sliding scale, it's not a linear relationship, between the number of units you have and your fees. He also added that it doesn't take 100 times more effort for the Rent Program to monitor them.

He added that there is just a general rule and concept of being full pass through whatever your costs are. He also expressed that they have no objections to paying the Rent Programs costs; they object to this being a profit center that pays for other projects not paying into the fund. He also added that they are also willing to pay more than what is reasonable from the standpoint of the Rent Program recovering from expenses. He also expressed that they would like to ask the Board to work with them in good faith to resolve this situation without resulting in litigation. He added that ultimately, there would be another assessment the following year. They will have to appeal it again. He also expressed that they would rather work with the Rent Program in good faith to give the Rent Program a reasonable fee and be willing to provide a more reasonable fee to cover all of the Rent Program's costs. He also mentioned that they would be willing to provide the program with the 5000 units they own to verify that they are not bad Landlords. He also mentioned that imposing these fees, what is happening is that it is causing a reduction in the availability of affordable housing funds because their funds would be underwritten without the fees. He also added if the fees are included, it reduces the permanent loan to one or two million dollars, depending on the size of the project, and it will hurt affordable housing and tenants, not helping them. He concluded that he hoped that the Board would take his statement under advisement and ask the Rent Program attorney to negotiate with them in good faith to avoid litigation.

Vice-Chair Mishek asked Mr. Gevorgian to clarify his comment that Richmond's fee schedule is not the rule of thumb in other cities and asked him to state which cities he is referring to and which cities he is comparing to Richmond to and to what extent does Richmond differs from other cities. Mr. Gevorgian responded, for example, Daly City, Los Angeles, and San Jose, neither of these cities has this kind of a fee imposed on them. However, they did run into a situation in Daly City where they had a similar fee. He added that they ended up negotiating with them on a cost recovery fee, so whatever it cost their agency, they would pay them along with a small fee on top of that so that it wouldn't become a profit center. He expressed that a profit center is not fair and that their project is subsidizing all of the other projects using the Rent Programs services. He added that none of the cities in California that they have dealt with have ever imposed such an owner's fee that has such a significant impact on their permanent loan. Boardmember Johnson asked Mr. Gevorgian before beginning renting the units, as he made aware of the various fees and the amounts of the fees from the beginning. Mr. Gevorgian responded that he was not made aware of the fees at that time. Staff Attorney Charles Oshinuga mentioned to Mr. Gevorgian that he could request to speak for an additional two minutes under Public Forum during our Regular Rent Board meeting. Chair Finlay asked Mr. Gevorgian if he would like to be added to the list to speak under Public Forum. Mr. Gervogian responded that he would not be available to speak at that time but would be happy to meet with Staff Attorney Charles Oshinuga to negotiate a deal on this issue. Mr. Gervogian also added that they would prefer not to involve their attorney on this issue and rather negotiate this issue in good faith.

ADJOURN TO CLOSED SESSION

The Open Session to Hear Public Comment before Closed Session adjourned at 5:22 P.M.

CLOSED SESSION – VIA VIDEOCONFERENCE

The Regular Meeting of the Richmond Rent Board was called to order at 6:51 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/85287276923?pwd=OWQxeld6U1BIOTNyWSs5MEowd2FUUT09>
Password: rentboard

Or By Telephone:

US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or
+1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592
Webinar ID: 852 8727 6923

International numbers available:

<https://us02web.zoom.us/j/keIPbR021e>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, November 17, 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, Deputy Director Fred Tran and Executive Director Nicolas Traylor.

Absent: None.

STATEMENT OF CONFLICT OF INTEREST

None.

REPORT FROM LEGAL COUNSEL OF FINAL DECISIONS MADE IN CLOSED SESSION

Staff Attorney Charles Oshinuga stated that the Rent Board met in closed session to discuss the anticipated litigation. No final action was taken.

AGENDA REVIEW

None.

PUBLIC FORUM

Cordell Hindler began by apologizing for not attending the November 17th Rent Board meeting because he had a scheduling conflict. He invited the Board to attend a “Home for the Holidays” performance held at the Contra Costa Civic Center Theatre on December 3rd-5th, 2021. He also commented on Item G-5 under Consent Calendar and expressed that the Board should consider a hybrid model for their Rent Board meetings. He also expressed that the hybrid model meetings would be suitable because, as a resident, he feels that virtual meetings have been in place for more than a year would prefer in-person meetings.

RENT BOARD CONSENT CALENDAR

On motion of Vice Chair Mishek, seconded by Boardmember Johnson, the item(s) marked with an (*) were approved unanimously:

*G-1. Approve the minutes of the October 20, 2021, Regular Meeting of the Richmond Rent Board.

*G-2. Receive the Fiscal Year 2021-22 Monthly Activity Report through October 2021.

*G-3. Receive the Rent Program FY 2021-22 Monthly Revenue and Expenditure Report through October 2021.

*G-4. Adopt a Records Retention Schedule and direct staff to work with the City Attorney’s Office to have the Rent Board’s Retention Schedule integrated into the City of Richmond’ overall Record Retention Schedule.

*G-5. Adopt a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and

determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference.

REGULATIONS

H-1. The matter to (1) adopt proposed Rent Board Regulation 425, titled, “Waiver of Delinquent Residential Housing Fee Assessment”, was presented by Executive Director Nicolas Traylor. The presentation included the statement of the issue, financial impact, background which included the autonomy of the Rent Board and waiver of late fees, waiver of late fees policy, current waiver policy lacks Rent Board approval and/or oversight, overview of proposed Regulation 425, Rent Program form and Executive Director discretion, good cause standard, process and procedure, late fee waiver amounts which included Regulation 425 (G), and the recommended action. Discussion ensued. There were no public comments on this item. A motion by Boardmember Johnson, a friendly amendment by Chair Finlay, and accepted by Boardmember Johnson, seconded by Boardmember Conner, to adopt Rent Board Regulation 425, titled, “Waiver of Delinquent Residential Housing Fee Assessment”, to include corrections 425(G)(3), (G)(4) & (G)(5), passed by the following vote: **Ayes:** Boardmembers Conner, Johnson, Vasilas, Vice Chair Mishek and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

RENT BOARD AS A WHOLE

G-1. The matter to receive and approve the Fiscal Years 2019-20/ 2020-21 Rent Program Annual Report and direct staff to present the report to the City Council, was presented by Executive Director Nicolas Traylor. The presentation included Staff, Intern, and Boardmember acknowledgements, the Mission of the Rent Program, what the COVID-19 pandemic has revealed which included housing stability is a public health issue, the connection between housing stability and health outcomes, Rent Ordinance active enforcement, fiscal years’ data for property enrollment and tenancy registration, counseling, mediation and community outreach, and the rent adjustment petition process, the Rent Program’s response to the COVID-19 pandemic, countering the false narrative that the Rent Ordinance has led to a loss of rental units, rental housing by the numbers as of June 2021, important facts about the Rent Program and the Rent Ordinance, rental housing profile which included affordable housing, notice of rent

increase data for Fiscal Years 2019-20 & 2020-21, termination of tenancy notice analysis for Fiscal Year 2019-20 & 2020-21, type of termination of tenancy notices filed in Fiscal Years 2019-20 & 2020-21, two-year chart of notices of termination of tenancy filed, Fiscal Year 2019-2020 & 2020-2021 financial summary and the recommended action. Discussion ensued. The following individual gave comment: Ilona Clark. A motion by Boardmember Conner, seconded by Vice Chair Mishek, to receive and approve the Fiscal Years 2019-20/2020-21 Rent Program Annual Report and directs staff to present the report to the City Council, passed by the following vote: **Ayes:** Boardmembers Conner, Johnson, Vasilas, Vice Chair Mishek and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

A motion by Boardmember Vasilas, seconded by Boardmember Conner, was to extend the meeting past the 3-hour time limit, adjourn by 8:37 P.M., and hear Public Comment for Item I-1 and remaining items on the agenda, and Item J under Reports of Officers, passed by the following vote: **Ayes:** Boardmembers Conner, Johnson, Vasilas, Vice Chair Mishek and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

A motion by Boardmember Vasilas, seconded by Boardmember Johnson, to approve the 2nd extension to the meeting for an additional 10 minutes to adjourn by 8:47 P.M., to hear Boardmember comments to Item I-1 and remaining Items on the agenda, Item J under Reports of Officers, passed by the following vote: **Ayes:** Boardmembers Conner, Johnson, Vasilas, Vice Chair Mishek and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

REPORTS OF OFFICERS

Executive Director Nicolas Traylor gave a brief report about the upcoming pre-recorded Spanish version workshop, titled "How to File a Rent Increase or Decrease Petition," for both Landlords and Tenants, to be posted on the website on Friday, November 19, 2021. He also thanked Boardmembers for their patience during the Annual Report presentation.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:40 P.M.

Cynthia Shaw
Staff Clerk

(SEAL)

Approved:

Virginia Finlay, Rent Board Chair

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: 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

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|---|---|--|--|---|
| <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 2021-22 Monthly Activity Report through November 2021 - Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-2.

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Monthly Report - FY 21-22						
November 2021						
	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	
	MTD ACTUAL	MTD ACTUAL				YTD TOTAL
Public Information & Enrollment Unit						
Rent/Eviction Counseling Appointments In-Person	-	-	-	-	-	-
Rent/Eviction Counseling Appointments By Phone	209	208	160	168	140	885
Rent/Eviction Counseling Appointments By Walk-ins	71	102	65	68	105	411
Rent/Eviction Counseling Questions Addressed By Email	212	176	89	163	104	744
TOTAL RENT/EVICTION COUNSELING APPOINTMENTS	492	486	314	399	349	2,040
Rent/Eviction Counseling Sessions Conducted in Spanish			52	42	35	129
Rent/Eviction Counseling Sessions Conducted in Mandarin		-	-			-
Rent/Eviction Counseling Sessions Conducted in Cantonese			-			-
Rent/Eviction Counseling Sessions Conducted in Another Language	45	55	52	42	35	229
TOTAL RENT/EVICTION COUNSELING APPOINTMENTS IN A LANGUAGE OTHER THAN ENGLISH	45	55	104	84	70	358
Legal Service Referrals	15	18	8	4		45
Written Legal Referrals - Eviction Defense Center	-			8	12	20
Verbal Legal Referrals - Eviction Defense Center	-			1		1
Written Legal Referrals - Bay Area Legal Aid				8	1	9
Verbal Legal Referrals - Bay Area Legal Aid				4	5	9
Mediations Conducted	2				2	4
Assists from Front Office Staff	266	133		35	70	504
Courtesy Compliance Letters Sent	15		4	25	24	68
Community Workshop Attendees	1		32	37		70
Hard Copy Rent Increase Notices Processed	7	27	12	32	53	131
Hard Copy Termination of Tenancy Notices Processed	5	46	9	8	2	70
TOTAL HARD COPY NOTICES PROCESSED	12		57	102	79	250
Billing/Enrollment/Registration Counseling Appointments In-Person	7	4	-	2	3	16
Billing/Enrollment/Registration Counseling Appointments By Phone	83	68	51	24	24	250
Billing/Enrollment/Registration Counseling Questions Addressed By Email	131	49	29	14	35	258
TOTAL BILLING/ENROLLMENT/REGISTRATION COUNSELING APPOINTMENTS	214	117	80	40	62	513
Enrollment/Tenancy Registration Packets Mailed	77	5	32	1	7	122
Enrollment Forms Processed	31	12	10	44	20	117
Rental Housing Fee Invoices Generated	4,729	124	78	8	40	4,979
Checks Processed	881	650	29	39	27	1,626
Checks Returned	2	2	4	22	15	45
Rental Units Discovered Not in Database	1	3	2	3	1	10
Property Information Updated	153	58	21	14	54	300
Compliance Actions (Reviewing Records, Exemption Statuses, Addresses)	-			258	31	289
Applications for Administrative Determination of Exempt/Inapplicable Status Received	8	5		2	-	15
Administrative Determination of Exempt/Inapplicable Status Issued	-	1		6	10	17
Declarations of Exemption Processed	4	12		6	4	26
LEGAL UNIT						
Public Records Act Requests Received	1	1	2	4	-	8
Owner Move-In Eviction Termination of Tenancy Notices Reviewed	-	-	1	1	-	2
Withdrawal from the Rental Market (Ellis Act) Termination of Tenancy Notices Reviewed	2	-	1	-	1	4
Substantial Repairs Termination of Tenancy Notices Reviewed	-	-	-	-	-	-

ITEM F-2

Appeal Hearings Held	-	-	-	-	-	-
HEARINGS UNIT						
Consultations with Hearings Unit Coordinator In Person DUES & PUB/Subscription	-	-			1	1
Consultations with Hearings Unit Coordinator By Phone	3	6	3	2	10	24
Hearings-Related Questions Addressed by Email	17	12	20	26	31	106
TOTAL HEARINGS-RELATED CONSULTATIONS	20	18	23	28	42	131
MNOI Petitions Received (Attachment A)						-
Increased in Occupants Petitions Received (Attachment B)						-
Increase in Space or Services Petitions Received (Attachment C)	-					-
Restoration of Denied AGA Petitions Received (Attachment D)						-
Landlord Individual Rent Adjustment Petitions Received	1	2				3
Landlord Petition to Determine Exempt Status Received	-					-
TOTAL LANDLORD PETITIONS RECEIVED	1	2	-	-	-	3
Excess Rent or Failure to Return Sec Dep Petitions Received (Attachment A)	-	2		1	1	4
Decrease in Space/Services or Habitability Petitions Received (Attachment B)		3		1	2	6
Reduction in Number of Tenants Petitions Received (Attachment C)	-					-
Tenant Petition Based on Multiple Grounds						-
Tenant Petition for Rent Withholding Petitions Received	-					-
Tenant Petition for Failure to Pay Relocation Payment Petitions Received	-			2		2
TOTAL TENANT PETITIONS RECEIVED	-	5	-	4	3	12
Petition for Determination of Occupancy Status						-
Petition for Initial Rent Determination						-
Request to Expedite Hearing Process	-					-
Request for a Continuance of the Hearing Process	-				1	1
Subpoena(s)	-					-
TOTAL OTHER PETITIONS RECEIVED	-					-
Decisions Ordered	1					1
Cases Settled	-				1	1
Cases Dismissed	1	2				3
Petitions Withdrawn	2	1	2	1		6
TOTAL CASES CLOSED	4	3	2	1	1	11
Appeals Received	-	1				1
Total Open Cases (Tenant Petitions)	2	3	6	10	14	35
Total Open Cases (Landlord Petitions)	2	3	1	1	1	8
Total Open Cases (Other Petitions)	-			2	3	5
TOTAL OPEN CASES	4	6	7	11	15	43
Form Submissions						
Agent Authorization		-	-		1	1
Proof of Excess Rent Refund	-	-	-	-	-	-
Proof of Permanent Relocation Payment			1	2	-	3
Proof of Temporary Relocation Payment	-	-	-	-	-	-
Change in Terms of Tenancy	1	-	2	2	-	5
TOTAL RENT INCREASE NOTICES FILED	69	69	79	4	212	433
Termination of Tenancy - Nonpayment of Rent	1	12	31	39	17	100
Termination of Tenancy - Breach of Lease	3	3	10	10	7	33
Termination of Tenancy - Failure to Give Access	-	-			-	-
Termination of Tenancy - Nuisance	-	2	2	1	-	5
Termination of Tenancy - Withdrawal from the Rental Market	2		1	-	1	4
Termination of Tenancy - Owner Move-In	-			4	-	4
Termination of Tenancy - Substantial Repairs	-				-	-
Termination of Tenancy - Temporary Tenancy	-		2		-	2
TOTAL TERMINATION OF TENANCY NOTICES FILED	6	17	46	54	25	148

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: 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 2021-22 Monthly Revenue and Expenditure Report through November 2021 – Rent Program (Fred Tran 620-6537).

AGENDA ITEM NO:

F-3.

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Rent Program
FY2021-22 Monthly Revenue and Expenditure Report

ITEM F-3

OBJECT	ORIGINAL BUDGET	ADOPTED BUDGET	Period 1	Period 2	Period 3	Period 4	Period 5	ENCUMBRANCES	YTD TOTAL	AVAILABLE BUDGET	% USED
			July	August	September	October	November				
340445 Rental Housing Fees	(2,609,056.00)	(2,893,854.00)	(691,167.85)	(662,750.30)	(536,446.55)	(86,825.20)	-	-	(1,977,189.90)	(916,664.10)	68.3%
TOTAL LICENSES, PRMITS&FEES	(2,609,056.00)	(2,893,854.00)	(691,167.85)	(662,750.30)	(536,446.55)	(86,825.20)	-	-	(1,977,189.90)	(916,664.10)	68.3%
361701 Interest	-	(14,460.00)	-	-	-	(838.30)	-	-	(838.30)	(13,621.70)	5.8%
361705 Realized Gain	-	-	-	-	-	(1,287.30)	-	-	(1,287.30)	1,287.00	100.0%
TOTAL INTEREST INCOME	-	(14,460.00)	-	-	-	(2,125.60)	-	-	(2,125.60)	(12,334.40)	14.7%
364867 Revenue from Collections Agency	-	(30,000.00)	-	-	(2,220.00)	-	-	-	(2,220.00)	(27,780.00)	7.4%
TOTAL OTHER REVENUE	-	(30,000.00)	-	-	(2,220.00)	-	-	-	(2,220.00)	(27,780.00)	7.4%
TOTAL REVENUE	(2,609,056.00)	(2,938,314.00)	(691,167.85)	(662,750.30)	(538,666.55)	(88,950.80)	-	-	(1,981,535.50)	(956,778.50)	67.4%
400001 SALARIES & WAGES/Executive	667,048.00	677,048.00	45,587.34	49,595.08	57,704.02	57,704.02	57,704.02	-	268,294.48	408,753.52	39.6%
400002 SALARIES & WAGES/Mgmt-Local 21	303,316.00	323,312.00	11,836.06	11,836.06	11,836.06	11,836.06	11,836.06	-	59,180.30	264,131.70	18.3%
400003 SALARIES & WAGES/Local 1021	195,857.00	196,625.00	11,232.16	11,232.16	11,232.16	11,232.16	11,232.16	-	56,160.80	140,464.20	28.6%
400006 SALARIES & WAGES/PT- Temp	43,036.00	43,036.00	2,190.73	2,637.71	3,657.61	1,362.83	2,843.07	-	12,691.95	30,344.05	29.5%
400031 OVERTIME/General	6,000.00	-	642.96	708.11	(642.96)	-	-	-	708.11	(708.11)	100.0%
400048 OTHER PAY/Bilingual Pay	9,402.00	10,237.00	350.00	647.46	944.92	651.96	651.96	-	3,246.30	6,990.70	31.7%
400049 OTHER PAY/Auto Allowance	4,200.00	-	-	350.00	700.00	350.00	350.00	-	2,450.00	41.7%	
400050 OTHER PAY/Medical- in Lieu of	-	2,400.00	-	-	-	-	-	-	-	2,400.00	0.0%
400058 OTHER PAY/Bonuses	-	-	-	-	-	15,200.00	-	-	15,200.00	(15,200.00)	100.0%
TOTAL SALARIES AND WAGES	1,228,859.00	1,256,858.00	71,839.25	77,006.58	85,431.81	98,337.03	84,617.27	-	417,231.94	839,626.06	33.2%
400103 P-ROLL BEN/Medicare Tax-ER Shr	16,122.00	16,440.00	1,044.80	1,120.22	1,242.38	1,429.52	1,230.60	-	6,067.52	10,372.48	36.9%
400105 P-ROLL BEN/Health Insurance Be	148,142.00	173,441.00	10,603.12	12,723.87	12,723.87	12,723.87	12,723.87	-	61,498.60	111,942.40	35.5%
400106 P-ROLL BEN/Dental Insurance	16,258.00	17,520.00	973.60	1,095.30	1,095.30	1,095.30	1,095.30	-	5,354.80	12,165.20	30.6%
400109 P-ROLL BEN/Employee Assistance	484.00	528.00	29.12	32.76	32.76	32.76	13.77	-	141.17	386.83	26.7%
400110 P-ROLL BEN/Professional Dev-Mg	6,000.00	6,750.00	-	-	-	-	-	-	-	6,750.00	0.0%
400111 P-ROLL BEN/Vision	2,123.00	2,316.00	114.48	128.79	128.79	128.79	128.79	-	629.64	1,686.36	27.2%
400112 P-ROLL BEN/Life Insurance	3,717.00	4,163.00	237.90	282.70	282.70	284.43	284.43	-	1,272.16	2,790.84	33.0%
400114 P-ROLL BEN/Long Term Disabilit	11,132.00	12,342.00	627.20	718.42	728.03	728.03	728.03	-	3,529.71	8,812.29	28.6%
400116 P-ROLL BEN/Unemployment Ins	5,016.00	5,472.00	342.00	380.00	418.00	418.00	418.00	-	1,976.00	3,496.00	36.1%
400117 P-ROLL BEN/Personal/Prof Dev	2,250.00	2,250.00	-	-	-	-	-	-	-	2,250.00	0.0%
400118 P-ROLL BEN/Worker Comp-Injury Appt	-	359.00	-	-	-	-	-	-	-	359.00	0.0%
400121 P-ROLL BEN/Worker Comp-Clerica	14,330.00	9,878.00	591.20	626.20	706.05	624.02	642.27	-	3,189.74	6,688.26	32.3%
400122 P-ROLL BEN/Worker Comp-Prof	80,557.00	58,021.00	3,330.60	3,563.05	4,033.36	4,033.36	4,033.36	-	18,993.77	39,027.23	32.7%
400127 P-ROLL BEN/OPEB	44,703.00	49,094.00	2,894.91	3,088.49	3,354.52	3,312.88	3,312.88	-	15,963.68	33,130.32	32.5%
400130 P-ROLL BEN/PARS Benefits	-	94.00	3.44	-	34.34	30.48	36.97	-	105.23	(111.23)	111.9%
400149 P-ROLL BEN/PERS-Misc	147,443.00	157,301.00	9,280.54	9,896.10	10,745.73	10,609.58	10,609.58	-	51,141.53	106,159.47	32.5%
400151 P-ROLL BEN/PERS-Misc (UAL)	223,322.00	327,048.00	20,862.27	20,862.27	23,180.30	20,862.27	20,862.27	-	106,629.38	220,418.62	32.6%
TOTAL FRINGE BENEFITS	721,599.00	843,017.00	50,935.18	54,518.17	58,706.13	56,313.29	56,120.12	-	276,592.89	566,424.11	32.8%
400201 PROF SVCS/Professional Svcs	17,500.00	21,350.00	217.00	567.29	217.00	755.79	715.21	15,297.71	2,472.29	3,580.00	83.2%
400206 PROF SVCS/Legal Serv Cost	210,000.00	210,000.00	-	22,916.00	4,166.00	16,666.00	16,666.00	133,336.00	60,414.00	16,250.00	92.3%
400245 TRAVEL & TRNG/Tuition Rmb/Cer	1,500.00	800.00	-	-	-	-	-	-	-	800.00	0.0%
400261 DUES & PUB/Memberships & Dues	800.00	1,650.00	-	-	-	-	-	-	-	1,650.00	0.0%
400271 AD & PROM/O/Advertising&Promo	-	5,675.00	-	-	96.00	96.00	649.00	-	841.00	4,834.00	14.8%
400280 ADM EXP/Program Supplies	3,525.00	3,950.00	-	-	89.00	89.00	192.00	-	370.00	3,580.00	9.4%
TOTAL PROF & ADMIN SERVICES	233,325.00	243,425.00	217.00	23,483.29	4,568.00	17,606.79	18,222.21	148,633.71	64,097.29	30,694.00	87.4%
400231 OFF EXP/Postage & Mailing	25,432.00	22,647.00	892.42	100.34	9,258.27	79.61	105.43	5.06	10,436.07	12,205.87	46.1%
400232 OFF EXP/Printing & Binding	27,181.00	25,807.00	-	551.11	8.17	-	-	-	559.28	25,247.72	2.2%
400233 OFF EXP/Copying & Duplicating	-	500.00	-	-	-	-	-	-	-	500.00	0.0%
400304 RENTAL EXP/Equipment Rental	8,000.00	8,000.00	-	373.16	-	186.58	373.33	4,366.93	933.07	2,700.00	66.3%
400321 MISC EXP/Misc Contrib	3,000.00	3,000.00	-	-	-	-	-	3,000.00	-	-	100.0%
400322 MISC EXP/Misc Exp	2,925.00	2,925.00	-	-	-	-	173.33	-	173.33	2,751.67	5.9%
400341 OFF SUPP/Office Supplies	6,795.00	6,795.00	-	-	1,387.93	17.53	1,069.73	-	2,475.19	4,319.81	36.4%
TOTAL OTHER OPERATING	73,333.00	69,674.00	892.42	1,024.61	10,654.37	283.72	1,721.82	7,371.99	14,576.94	47,725.07	31.5%
400401 UTILITIES/Tel & Telegraph	284.00	500.00	-	90.56	-	45.28	45.27	-	181.11	318.89	36.2%
TOTAL UTILITIES	284.00	500.00	-	90.56	-	45.28	45.27	-	181.11	318.89	36.2%
400552 PROV FR INS LOSS/Ins Gen Liab	8,865.00	9,300.00	-	-	7,915.00	-	-	20.00	7,915.00	1,365.00	85.3%
TOTAL PROVISION FOR INS LOSS	8,865.00	9,300.00	-	-	7,915.00	-	-	20.00	7,915.00	1,365.00	85.3%
400574 COST POOL/(ISF)-Gen Liability	69,513.00	79,937.00	-	-	17,376.00	9,273.00	6,661.00	-	33,310.00	46,627.00	41.7%
400586 COST POOL/(CAP)-Admin Charges	51,454.00	52,481.00	-	-	-	-	21,869.00	-	21,869.00	30,612.00	41.7%
400591 COST POOL/(IND)Civic Ctr Alloc	50,289.00	50,286.00	-	-	-	16,758.00	4,191.00	-	20,949.00	29,337.00	41.7%
TOTAL COST POOL	171,256.00	182,704.00	-	-	17,376.00	26,031.00	32,721.00	-	76,128.00	106,576.00	41.7%
400601 NONCAP ASST/Comp Hrdware<SK	1,100.00	10,800.00	-	-	-	-	-	-	-	10,800.00	0.0%
TOTAL ASSET/CAPITAL OUTLAY	1,100.00	10,800.00	-	-	-	-	-	-	-	10,800.00	0.0%
TOTAL EXPENDITURES	2,438,621.00	2,616,278.00	123,883.85	156,123.21	184,651.31	198,617.11	193,447.69	156,025.70	856,723.17	1,603,529.13	38.7%
NET OPERATING (SURPLUS)/DEFICIT	(170,435.00)	(322,036.00)	(567,284.00)	(506,627.09)	(354,015.24)	109,666.31	193,447.69	-	(1,124,812.33)	646,750.63	-

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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: On March 17, 2020, Governor Newsom signed Executive Order N-29-20, which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) related to the holding of teleconferenced meetings by City legislative bodies. Among other things, Executive Order N-29-20 suspended requirements that each location from which an official accesses a teleconferenced meeting be accessible to the public. These changes were necessary to allow teleconferencing to be used as a tool for ensuring social distancing. City legislative bodies have held public meetings via videoconference and teleconference pursuant to these provisions since March 2020. These provisions of Executive Order N-29-20 expired on September 30, 2021. Prior to its expiration, California legislators passed Assembly Bill 361 (Rivas), which, among other things, continues to permit public meetings via videoconference and teleconference, where the Board makes findings of the circumstances justifying the continuing need to meet via videoconference and Teleconference. This item requests that the Board review the circumstances of the continued state of emergency posed by the spread of COVID-19, and find that the state of emergency continues to directly impact the ability of the public and members of Board to meet safely in person, that holding public meetings in person would present imminent risks to the health and safety of attendees, and that state and local officials continue to promote social distancing, mask wearing and vaccination.

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: ADOPT a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference – Rent Program (Charles Oshinuga 621-1202).

AGENDA ITEM NO:

F-4.

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AGENDA REPORT

DATE: December 15, 2021

TO: Chair Finlay and Members of the Rent Board

FROM: Charles Oshinuga, Staff Attorney

SUBJECT: Resolution Making Required Findings Pursuant to the Government Code and Directing the Rent Board to Continue to Meet Via Videoconference and Teleconference

STATEMENT OF THE ISSUE:

On March 17, 2020, Governor Newsom signed Executive Order N-29-20, which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) related to the holding of teleconferenced meetings by City legislative bodies. Among other things, Executive Order N-29-20 suspended requirements that each location from which an official accesses a teleconferenced meeting be accessible to the public. These changes were necessary to allow teleconferencing to be used as a tool for ensuring social distancing. City legislative bodies have held public meetings via videoconference and teleconference pursuant to these provisions since March 2020. These provisions of Executive Order N-29-20 expired on September 30, 2021. Prior to its expiration, California legislators passed Assembly Bill 361 (Rivas), which, among other things, continues to permit public meetings via videoconference and teleconference, where the Board makes findings of the circumstances justifying the continuing need to meet via videoconference and Teleconference. This item requests that the Board review the circumstances of the continued state of emergency posed by the spread of COVID-19, and find that the state of emergency continues to directly impact the ability of the public and members of Board to meet safely in person, that holding public meetings in person would present imminent risks to the health and safety of attendees, and that state and local officials continue to promote social distancing, mask wearing and vaccination.

RECOMMENDED ACTION:

ADOPT a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference.

FISCAL IMPACT:

There is no fiscal impact.

DISCUSSION:

Background

On March 17, 2020, Governor Newsom signed Executive Order N-29-20, which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) related to the holding of teleconferenced meetings by City legislative bodies. Among other things, Executive Order N-29-20 suspended requirements that each location from which an official accesses a teleconferenced meeting be accessible to the public. These changes were necessary to allow teleconferencing to be used as a tool for ensuring social distancing. City legislative bodies have held public meetings via videoconference and teleconference pursuant to these provisions since March 2020. These provisions of Executive Order N-29-20 expired on September 30, 2021.

Prior to the Expiration of Executive Order N-29-20, on September 16, 2021, Assembly Bill 361 (Rivas), was signed into law by Governor Newsom, amending a portion of the Brown Act (Government Code Section 54953) to authorize the Board, during the state of emergency, to determine that, due to the spread of COVID-19, holding in-person public meetings would present an imminent risk to the health or safety of attendees, and therefore the Board must continue to meet via videoconference and teleconference. Assembly Bill 361 requires that the Board must review and ratify such a determination every thirty (30) days. Therefore, if the Board passes this resolution on October 20, 2021, the Board will need to review and ratify the resolution by November 20, 2021, and every Board meeting thereafter.

Discussion

COVID-19 continues to pose a serious threat to public health and safety. There are now approximately 15,380 confirmed cases of COVID-19 and at least 143 deaths in the City of Richmond. That is an increase of 278 confirmed Covid cases and 6 deaths in approximately 30 days. Additionally, the SARS-CoV-2 B.1.617.2 (“Delta”) variant of COVID-19 that is currently circulating nationally and within the City is contributing to a substantial increase in transmissibility and more severe disease. Moreover, a new variant, the Omicron, and its communicability has been alarming health experts around the world. As a result of the continued threat to public health posed by the spread of COVID-19, state and local officials continue to impose or recommend measures to promote social distancing, mask wearing and vaccination. Holding Board meetings in person would present imminent risks to the health and safety of the public and members of Board, and therefore public meetings cannot safely be held in person at this time.

ITEM F-4

The attached Resolution would enable the Board to continue to hold public meetings via videoconference and teleconference in order to continue to socially distance and limit the spread of COVID-19.

Recommended Action

Given the continual presence and impact of Covid-19, the need to take adequate precautions to limit the spread of the virus and subsequent death, is greater now more than ever. As such, staff members recommend that the Board adopt a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City policy bodies shall continue to meet via videoconference and teleconference.

DOCUMENTS ATTACHED:

Attachment 1 – Resolution 21-05

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RESOLUTION NO. 21-05

**MAKING FINDINGS TO ALLOW CONTINUED USE OF TELECONFERENCING FOR
MEETINGS OF THE RICHMOND RENT BOARD PURSUANT TO THE PROVISIONS OF AB
361**

WHEREAS, in response to the COVID-19 pandemic, the Governor adopted a series of Executive Orders allowing the legislative bodies of local governments to meet remotely via teleconference through September 30, 2021 so long as other provisions of the Ralph M. Brown Act were followed; and

WHEREAS, on September 16, 2021, the Governor signed into law as an urgency measure, AB 361 a bill that amends the Brown Act to allow local policy bodies to continue to meet by teleconferencing during a state of emergency without complying with restrictions in state law that would otherwise apply, provided that the policy bodies make certain findings at least once every 30 days; and

WHEREAS, the Richmond Rent Board is a local governmental body that was established as an independent agency and vested with broad powers of administering and executing the provisions of the Fair Rent, Just Cause, and Homeowner Protection Ordinance; and

WHEREAS, pursuant to Richmond Municipal Code Section 11.100.060(m), to ensure the integrity and autonomy of the Rent Board, Measure L mandates the Rent Board “be an integral part of the government of the City [of Richmond]”, and establishes that the Rent Board “shall 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”; and

WHEREAS, as an independent agency, the Richmond Rent Board operates independent from and is not subject the City of Richmond City Council’s Resolutions governing boards, commissions, and other local policy bodies; and

WHEREAS, given its degree of independence and autonomy from City Council, the City of Richmond Rent Board has separately considered the current state of health guidance related to public meetings in Contra Costa County and finds it necessary to continue with remote meetings for the next 30 days to promote public health and safety; and

WHEREAS, in its future considerations of whether remote meetings are still necessary, the City of Richmond Rent Board shall consider and take into account the City of Richmond City Council’s decision on whether to continue remotely, prior to reaching its ultimate findings on the issue; and

WHEREAS, the entire State of California remains under a proclaimed state of emergency as declared by the Governor of the state of California related to the COVID-19 pandemic; and

WHEREAS, the California Department of Public Health continues to require the use of face coverings in indoor settings in order to help stop the spread of the virus. The Health Officer for Contra Costa County published “Recommendations for Safely Holding Public Meetings” on September 20, 2021. Those recommendations “strongly recommend” on-online meetings, that local agencies should provide

ITEM F-4 ATTACHMENT 1

options for the public to participate without having to attend meetings in person, and that social distancing should be used, including six feet of spacing between all in attendance; and

WHEREAS, without limiting any requirements under applicable federal, state or local pandemic-related rules, orders or directives of the Health Officer of Contra Costa County, who has advised that for group gatherings indoors, such as meetings of city council's, boards and commissions, people can increase safety and greatly reduce risks to health and safety of attendees from COVID-19 by maximizing ventilation, wearing well-fitting masks, using physical distancing where the vaccination status of attendees is not known, and considering holding the meeting remotely if feasible, especially for long meetings, with many attendees with unknown vaccination status and where ventilation may not be optimal; and

WHEREAS, the City of Richmond Rent Board has met remotely during the COVID-19 pandemic and can continue to do so in a manner that allows public participation and transparency while minimizing health risks to members, staff, and the public who would be present with in-person meetings while this emergency continues.

NOW, THEREFORE, BE IT RESOLVED, That the City of Richmond Rent Board finds as follows:

1. As described above, the State of California, the County of Contra Costa and the City of Richmond remain in a state of emergency due to the COVI-19 pandemic. At this meeting the City of Richmond Rent Board has considered the circumstances of the state of emergency; and
2. As described above State and County officials continue to recommend measures to promote physical distancing and other social distancing measures, in some settings; and
3. As described above meetings of this body in person would present imminent risks to the safety of attendees, and the state of emergency continues to directly impact the ability of members to meet safely in public; and:

BE IT FURTHER RESOLVED That the City of Richmond Rent Board approves the continued use of teleconferencing for public meetings of City legislative bodies for the next 30 days based on the findings required by Government Code Section 549539(e), as amended by AB 361; and

BE IT FURTHER RESOLVED, That at least for the next 30 days, meetings of the City of Richmond Rent Board will continue to occur exclusively by teleconferencing technology (and not by any in-person meetings or any other meetings with public access to the places where any policy body member is present for the meeting). Such meeting of the City of Richmond Rent Board that occur by teleconferencing technology will provide an opportunity for members of the public to address the body and will otherwise occur in a manner that protects the statutory and constitutional rights of the public attending the meeting via teleconferencing, and;

BE IT FURTHER RESOLVED That the Executive Director of the Rent Program is directed to place a resolution substantially similar to this resolution on the agenda of a future meeting of the City of Richmond Rent Board within the next 30 days.

**ITEM F-4
ATTACHMENT 1**

APPROVED by the City of Richmond Rent Board at a regular meeting on December 15, 2021 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

RENT BOARD CHAIR

APPROVED AS TO FORM:

ATTEST:

STAFF ATTORNEY

RENT BOARD CLERK

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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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