



Board Amend Regulation  
201(D) to Municipal Code  
Section 15.04.610.020

**ITEM H-1**

**DECEMBER 15, 2021**  
**FRED TRAN, DEPUTY DIRECTOR**

# Statement of the Issue



- In 2019 the City Council revised the Zoning Ordinance to align with existing State law. The Small Second Unit Ordinance was replaced with Richmond Municipal Code Section 15.04.610.020 titled “Accessory Dwelling Units and Junior Dwelling Units” (ADU and JADU).
- The Rent Program is requesting to revise Rent Board Regulation 201(D) to update the Small Second Unit Ordinance to Richmond Municipal Code Section 15.04.610.020 “Accessory Dwelling Units and Junior Dwelling Units”.
- The Rent Program staff continues to communicate to the rental community that an ADU and JADU will qualify for an exemption if the property owner is the owner’s primary resident is in the single-family home and the 2<sup>nd</sup> unit is a permitted ADU or JADU.

# Fiscal Impact



- **There is no fiscal impact related to this item.**

# 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. Over time the Small Second Unit Ordinance became outdated and no longer reflected the changes in ADU requirements at the State level. 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 an exemption is valid the provisions of Richmond Municipal Code Section 15.04.610.020 is met.

# 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. The exemption should remain if the Small Second Unit Ordinance is replaced with an ordinance that aligns or establishes greater compliance with State law.
- The Small Second Unit Ordinance and Richmond Municipal Code Section 15.04.610.020 both set standards and govern the approval 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 California's updated ADU/JADU standards.
- Since Richmond Municipal Code Section 15.04.610.020 governs the same regulations 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.

# 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.**