

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: February 16, 2022

Final Decision Date Deadline: February 16, 2022

**STATEMENT OF THE ISSUE:** Statement of the Issue: At the November 17, 2021 Regular Meeting of the Richmond Rent Board, the Board adopted Regulation 425, titled, "Waiver of Delinquent Residential Housing Fee Assessment. As required by Regulation 425, the Executive Director of his or her designee shall review all late fee waiver requests and issue a recommendation for the Rent Board to approve the waiver, in full or in part, or deny the waiver, based on the Landlord's reason for requesting the waiver and their payment history. Attached to this recommendation, for the month of January 2022, are the compiled late fee waiver requests and associated documentation.

## 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 late fee waiver(s) for January 2022 pursuant for Regulation 425 - Rent Program (Nicolas Traylor/510-620-6564).

AGENDA ITEM NO:

**F-4.**

***This page intentionally left blank***



To: Members of the Richmond Rent Board  
 From: Nicolas Traylor, Executive Director  
 Re: Late Fee Waiver Recommendation  
 Date: February 16, 2022

Late Fee Waiver Recommendations Pursuant to Regulation 425

As required by Regulation 425, the Executive Director of his or her designee shall review all late fee waiver requests and issue a recommendation for the Rent Board to approve the waiver, in full or in part, or deny the waiver, based on the Landlord’s reason for requesting the waiver and their payment history. Attached to this recommendation are the compiled late fee waiver requests and associated documentation including the table below with details on each month’s request.

Summary of Late Fee Waiver Requests and Recommendation for January 2022:

Property Owner	Date of Request	Reason for Request	Recommendation to Approve or Deny	Late Fee Amount	Total Late Fees Waived if Approved	Recommended Late Fee Amount (if any)
Louis Wong, Luis Wong and Leanna Wong	1/25/22	New Owner, did not receive invoice.	Waive all late fees	\$783	\$783	None

Good Cause and Late Payment History

Regulation 425 requires a showing of Good Cause prior to waiving any late fee assessment. Good Cause is defined as the taking of reasonable efforts, while acting with due diligence to remit timely payment of the Residential Rental Housing Fee. In other words, it is an evaluation of whether the Landlord took reasonable efforts and acted with due diligence in their attempt to pay the Residential Rental Housing Fee. Regulation 425 guides this inquiry by requiring the Executive Director evaluate applicable enumerated factors (Attachment 1) prior to making a determination of whether there exist Good Cause to grant the request. Finally, Regulation 425 establishes that a Rent Program billing error would always constitute Good Cause to waive the late fee assessment.

Claim of “Good Cause”

In his request, dated January 25, 2021, (Attachment 2) property owner of 583 8<sup>th</sup> St. (duplex), Louis Wong, indicated that the reason for paying late was that he was a new owner and therefore did not receive an invoice. Upon investigating this claim, staff found the following (Attachment 3- Email from Moises Serano, Rent Program Administrative Aide):

- 1) Mr. Wong recently purchased 583 8<sup>th</sup> St. on October 29, 2021 (Attachment 4- Parcel Quest Report) and inherited unpaid fees from the previous owners. (Attachment 5- Unpaid past due Invoice for 583 8<sup>th</sup> St.).
- 2) Mr. Wong has since brought the property into compliance by paying all the fees due (minus late fees), enrolling the property, and registering both tenancies (Attachment 6- Invoice paid by Mr. Wong on December 30, 2021).

#### Payment History

Where a requestor has made timely payments in the prior two (2) fiscal years, their request shall be ministerially granted. Such requests do not require a showing of Good Cause and are not subject to the provisions of Regulation 425 (D) and Regulation 425 (E). Regulation 435 (D) and (E), provide the factors required when making a determining of good cause.

In this case, Mr. Wong could not have made timely payments in the prior two fiscal years, since he was not the owner of record. Therefore, Mr. Wong's late fee waiver request cannot be granted ministerially and without a claim of Good Cause. This is the first time that Mr. Wong has requested a late fee waiver.

#### Evaluation of Owner's Claim of Good Cause

No Late Fee waiver request shall be granted unless there is a sufficient demonstration of Good Cause. In their consideration, the Executive Director must evaluate the following factors, whenever present, when making a determination of Good Cause:

1. *Whether the failure to remit timely payment was due to a Rent Program billing error, such as an incorrect address, an incomplete invoice, or an invoice sent to the wrong owner;*
2. *Whether the requestor is a successor in interest who has not received an invoice.*
3. *Whether the requestor is experiencing a financial hardship that is caused by circumstances beyond the Landlord's control;*
4. *Whether the requestor experienced a medical emergency, medical treatment, hospitalization, or death in the family within the billing period;*
5. *Whether the requestor had submitted a request for an Administrative Determination of Exempt/Applicability Status within the billing period;*
6. *Whether the requestor's Tenant(s) have experienced a COVID-19 related financial hardship that has impacted the Tenant's ability to pay Rent;*
7. *Late payment History.*
8. *Any other circumstances relevant to the inquiry of Good Cause.*

Mr. Wong's claim of Good Cause that he was a new owner and therefore did not receive an invoice has been sufficiently demonstrated. Mr. Wong has only owned 583 8<sup>th</sup> St. since October 29, 2021 and is the successor in interest who did not receive an invoice.

#### Staff Recommendation

Based on research conducted by Rent Program staff, Mr. Wong is a successor in interest who had not received an invoice. Therefore, staff recommend waiving all \$783 in late fees that had accrued prior to Mr. Wong becoming the owner. Furthermore, Mr. Wong demonstrated good faith by enrolling the property on November 2, 2021, registering the tenancies on December 27,

2021 and paying all of the Rental Housing Fees on December 30, 2021, that had accrued and been left unpaid by the previous owner, totaling \$2,002.

***This page intentionally left blank***



## 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: \_\_\_\_\_

**Declaration & Signature:**

I declare under penalty of perjury under the laws of the State of California that every statement in this Late Fee Waiver Request is true and correct to the best of my knowledge and belief.

Signature of Landlord/Property Manager: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Printed Name: \_\_\_\_\_

**Rent Program Staff Use Only:**

This request has been conditionally granted by the Rent Board, provided the owner pays the Rental Housing Fee before \_\_\_\_\_.

Executive Director Signature: \_\_\_\_\_ Staff Initials: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

***This page intentionally left blank***

**ITEM F-4**

**February 16, 2022  
RENT BOARD MEETING**

**ATTACHMENT 2**



## 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: \_\_\_\_\_

### Declaration & Signature:

I declare under penalty of perjury under the laws of the State of California that every statement in this Late Fee Waiver Request is true and correct to the best of my knowledge and belief.

Signature of Landlord/Property Manager: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Printed Name: \_\_\_\_\_

### Rent Program Staff Use Only:

This request has been conditionally granted by the Rent Board, provided the owner pays the Rental Housing Fee before \_\_\_\_\_.

Executive Director Signature: \_\_\_\_\_ Staff Initials: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Nicolas Traylor**

---

**From:** Moises Serano  
**Sent:** Friday, February 4, 2022 3:17 PM  
**To:** Nicolas Traylor  
**Cc:** Ramona Howell  
**Subject:** FW: Richmond Late Fee Waiver Request - 583 8th St  
**Attachments:** 583 8th St. - Late Fee Waiver Request.pdf

Good Afternoon Nicolas,

This is a late fee waiver that was submitted by the new owner of the duplex 583 8<sup>th</sup> St. Mr. Wong recently purchased this duplex and unknowingly inherited unpaid fees from the previous owners. Mr. Wong has since brought the property into compliance by paying all the fees due, enrolling the property, and registering both units. Because Mr. Wong has shown good faith in getting his property into compliance as well as being a new owner unaware of the past fiscal year fees that were due, my recommendation is to have the late fee waiver approved and all the late fees removed. Please do not hesitate to reach out to me should you have any questions. Thank you!

Best,

*Moises Serano*

Administrative Aide  
Billing & Registration Unit  
City of Richmond Rent Program  
440 Civic Center Plaza, Suite 200 | Richmond, CA 94804  
(510) 234-RENT (7368) (main) | (510) 621-1359 (direct) | (510) 307-8149 (fax)  
[www.richmondrent.org](http://www.richmondrent.org)

---

**From:** Moises Serano  
**Sent:** Thursday, January 27, 2022 1:58 PM  
**To:** Nicolas Traylor <nicolas\_traylor@ci.richmond.ca.us>  
**Cc:** Ramona Howell <ramona\_howell@ci.richmond.ca.us>  
**Subject:** FW: Richmond Late Fee Waiver Request

Good Afternoon Nicolas,

In this email you will find our second submission for a Late Fee Waiver Request. I have been brainstorming ideas on how to log and keep track of submissions so I will send you all an email once I create a procedures draft. Thank you!

Best,

*Moises Serano*

Administrative Aide  
Billing & Registration Unit  
City of Richmond Rent Program  
440 Civic Center Plaza, Suite 200 | Richmond, CA 94804  
(510) 234-RENT (7368) (main) | (510) 621-1359 (direct) | (510) 307-8149 (fax)  
[www.richmondrent.org](http://www.richmondrent.org)

---

**From:** Louis Wong <[law.re.management@gmail.com](mailto:law.re.management@gmail.com)>  
**Sent:** Thursday, January 27, 2022 11:40 AM  
**To:** Moises Serano <[Moises\\_Serano@ci.richmond.ca.us](mailto:Moises_Serano@ci.richmond.ca.us)>  
**Subject:** Richmond Late Fee Waiver Request

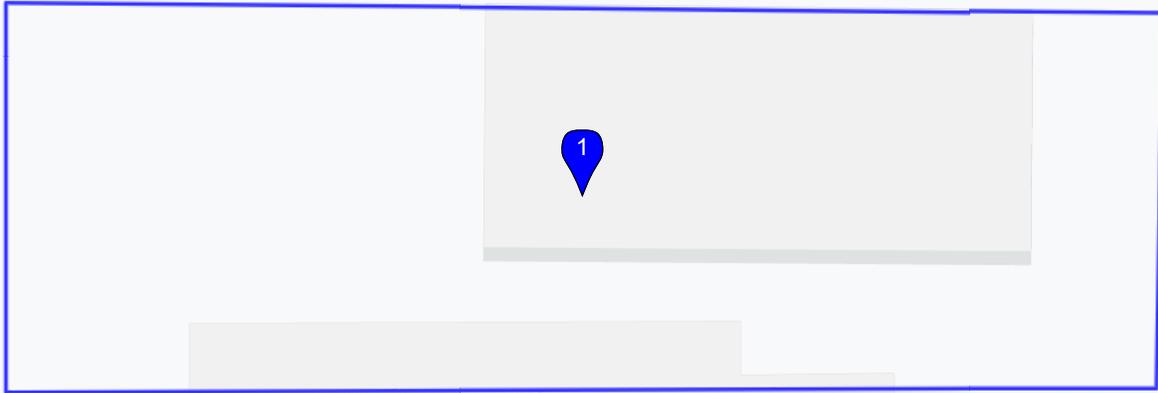
This email originated from outside of the City's email system. Do not open links or attachments from untrusted sources.

Hi Moises,

Please see the Late Fee Waiver Request form attached. I greatly appreciate your continued help on this matter.

Regards,

Louis A. Wong  
(510) 305-0030



Google

2 m

Map data ©2022 Google

© 2015 ParcelQuest www.parcelquest.com (888) 217-8999



LIST 1  
DETAIL

1 Property Address: 583 8TH ST RICHMOND CA 94801-2781

**Ownership**

County: **CONTRA COSTA, CA**  
 Assessor: **GUS KRAMER, ASSESSOR**  
 Parcel # (APN): **534-311-006-9**  
 Parcel Status:  
 Owner Name: **WONG LOUIS ALEXANDER WONG LUIS A & LEANNA I**  
 Mailing Address: **1217 SHERLOCK WAY CONCORD CA 94521-3442**  
 Legal Description: **TERMINAL TRACT LOT 17 POR 10 BLK 3**

**Assessment**

Total Value: <b>\$26,194</b>	Use Code: <b>21</b>	Use Type: <b>RESID. MULTIPLE FAMILY</b>
Land Value: <b>\$9,366</b>	Tax Rate Area: <b>008-133</b>	County Zoning:
Impr Value: <b>\$16,828</b>	Year Assd: <b>2021</b>	Census Tract: <b>3760.00/4</b>
Other Value:	Property Tax:	Price/SqFt: <b>\$337.62</b>
% Improved: <b>64%</b>	Delinquent Yr:	
Exempt Amt:	HO Exempt: <b>N</b>	

**Sale History**

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	<b>10/29/2021</b>			<b>10/29/2021</b>
Document Number:	<b>303435</b>			<b>303435</b>
Document Type:				
Transfer Amount:	<b>\$630,000</b>			
Seller (Grantor):				

**Property Characteristics**

Bedrooms: <b>6</b>	Fireplace:	Units:	
Baths (Full): <b>2</b>	A/C:	Stories: <b>2.0</b>	
Baths (Half):	Heating:	Quality:	
Total Rooms: <b>11</b>	Pool:	Building Class:	
Bldg/Liv Area: <b>1,866</b>	Park Type:	Condition: <b>AVERAGE</b>	
Lot Acres: <b>0.100</b>	Spaces:	Site Influence:	
Lot SqFt: <b>4,370</b>	Garage SqFt:	Timber Preserve:	
Year Built: <b>1913</b>		Ag Preserve:	
Effective Year: <b>1913</b>			

# RENTAL HOUSING FEE INVOICE

INVOICE DATE: December 22, 2021

Property Owner/Landlord Mailing Address

WONG LOUIS  
 1217 SHERLOCK WAY  
 CONCORD, CA 94521

Pay today ONLINE!  
 Visit [etrakit.ci.richmond.ca.us](http://etrakit.ci.richmond.ca.us)  
 Login using the *Contractor/Landlord*  
 dropdown menu and finding the owner  
 name printed above. Your password is  
 set to 534311006.

FRJC Registration#: RC21-534311006

Page 1 of 1

APN/Situs Address	Applicable Fiscal Year	Amount Due
RC17-25502 / 534-311-006-9 / 583 8TH ST	FY 2017-2018	145.00
RC17-25502 / 534-311-006-9 / 583 8TH ST	FY 2018-2019	207.00
RC17-25502 / 534-311-006-9 / 583 8TH ST	FY 2019-2020	212.00
RC17-25502 / 534-311-006-9 / 583 8TH ST	FY 2020-2021	219.00
RC17-25502 / 534-311-006-9 / 583 8TH ST / LATE FEES	PRIOR LATE FEE	391.50
RC19-00505 / 534-311-006-9 / 585 8TH ST	FY 2017-2018	145.00
RC19-00505 / 534-311-006-9 / 585 8TH ST	FY 2018-2019	207.00
RC19-00505 / 534-311-006-9 / 585 8TH ST	FY 2019-2020	212.00
RC19-00505 / 534-311-006-9 / 585 8TH ST	FY 2020-2021	219.00
RC19-00505 / 534-311-006-9 / 585 8TH ST / LATE FEES	PRIOR LATE FEE	391.50

AMOUNT DUE if paid by: January 26, 2022 **2,349.00**

AMOUNT DUE if paid after: January 26, 2022 : 2,349.00 + 0.00 10% Late Fee FY 21-22 FEES **2,349.00**

AMOUNT DUE if paid after: February 25, 2022 : 2,349.00 + 0.00 25% Late Fee FY 21-22 FEES **2,349.00**

AMOUNT DUE if paid after: March 27, 2022 : 2,349.00 + 0.00 50% Late Fee FY 21-22 FEES **2,349.00**

PAYMENT must be made within 35 days of the date of this invoice. Failure to pay may incur late fees and penalties. (see [Fee Summary form for late fee schedule](#)). If you have any questions or concerns about this invoice, please contact our office. IF PAYING BY CREDIT OR DEBIT CARD A 2% PROCESSING FEE WILL BE ADDED

Pay Online	Pay By Check
(1) Visit <a href="https://etrakitti.richmond.ca.us">https://etrakitti.richmond.ca.us</a> (2) Login using the <i>Contractor/Landlord</i> dropdown menu and finding your name (3) Your password is set to 534311006  <b>Amount Due: \$2,349.00</b>	(1) Make payable to "City of Richmond" (2) Write your FRJC Number in the memo line <b>FRJC # RC21-534311006</b> (3) Remit to: City of Richmond c/o Finance Department 450 Civic Center Plaza Richmond, CA 94804

In accordance with the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, Section 11.100.060(l)(1), all Landlords shall pay a business license tax if required by the Richmond Municipal Code plus a Residential Rental Housing Fee. Landlords must also maintain compliance with Fire Prevention Services and the Rental Inspection Program.

***This page intentionally left blank***



CITY OF RICHMOND

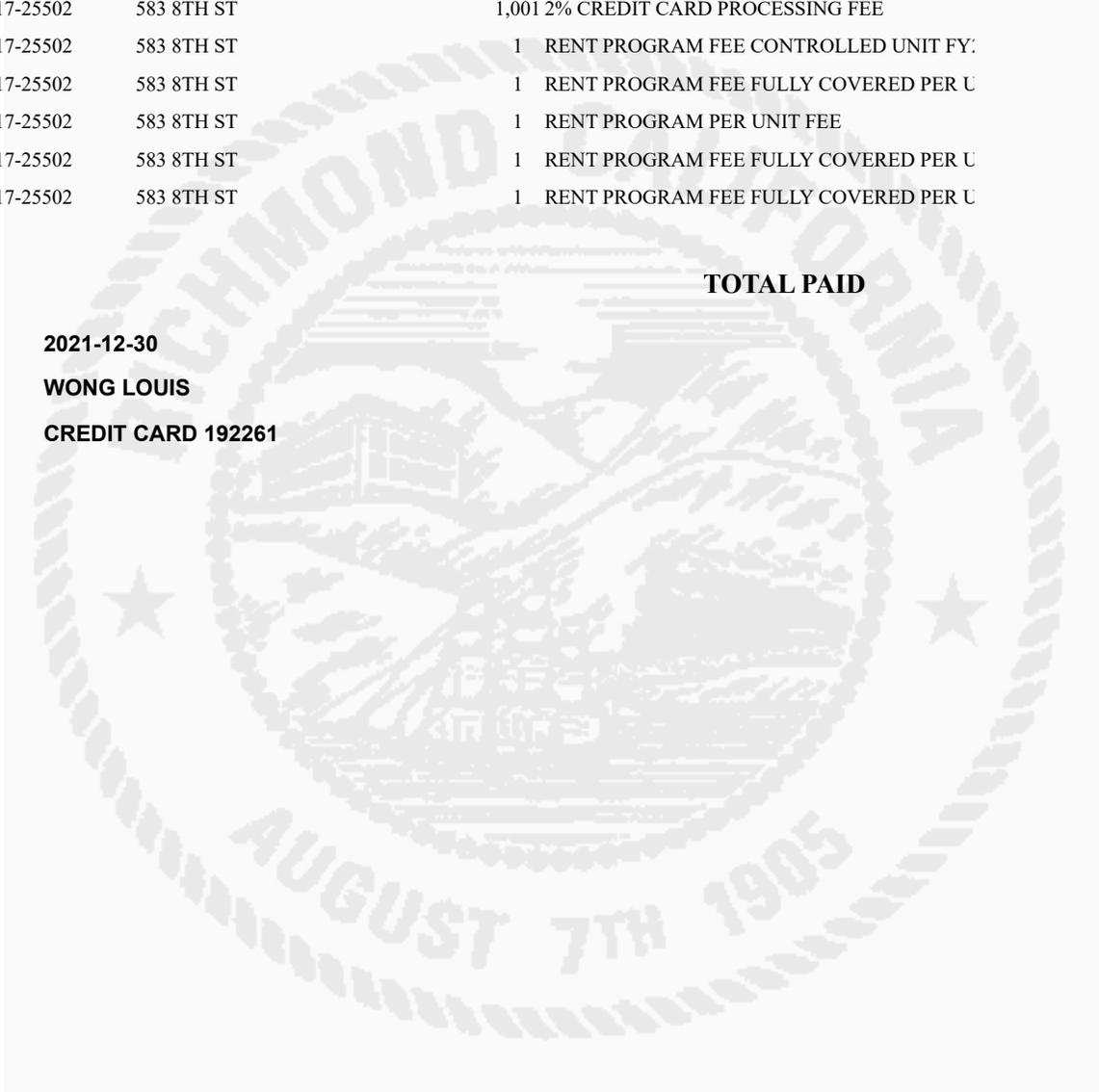
ITEM F-4  
ATTACHMENT 6

1/25/2022

CALIFORNIA  
RECEIPT  
Number: B39407  
FEES PAID

Record Type	Record Number	Address Number	QTY Description of Fee	Amount of Fee
PERMIT	RC17-25502	583 8TH ST	1,001 2% CREDIT CARD PROCESSING FEE	\$20.02
PERMIT	RC17-25502	583 8TH ST	1 RENT PROGRAM FEE CONTROLLED UNIT FY:	\$212.00
PERMIT	RC17-25502	583 8TH ST	1 RENT PROGRAM FEE FULLY COVERED PER U	\$207.00
PERMIT	RC17-25502	583 8TH ST	1 RENT PROGRAM PER UNIT FEE	\$145.00
PERMIT	RC17-25502	583 8TH ST	1 RENT PROGRAM FEE FULLY COVERED PER U	\$218.00
PERMIT	RC17-25502	583 8TH ST	1 RENT PROGRAM FEE FULLY COVERED PER U	\$219.00
<b>TOTAL PAID</b>				<b>\$1,021.02</b>

Date of Payment **2021-12-30**  
 Paid By **WONG LOUIS**  
 Method of Payment **CREDIT CARD 192261**



***This page intentionally left blank***



CITY OF RICHMOND

ITEM F-4  
ATTACHMENT 7

1/25/2022

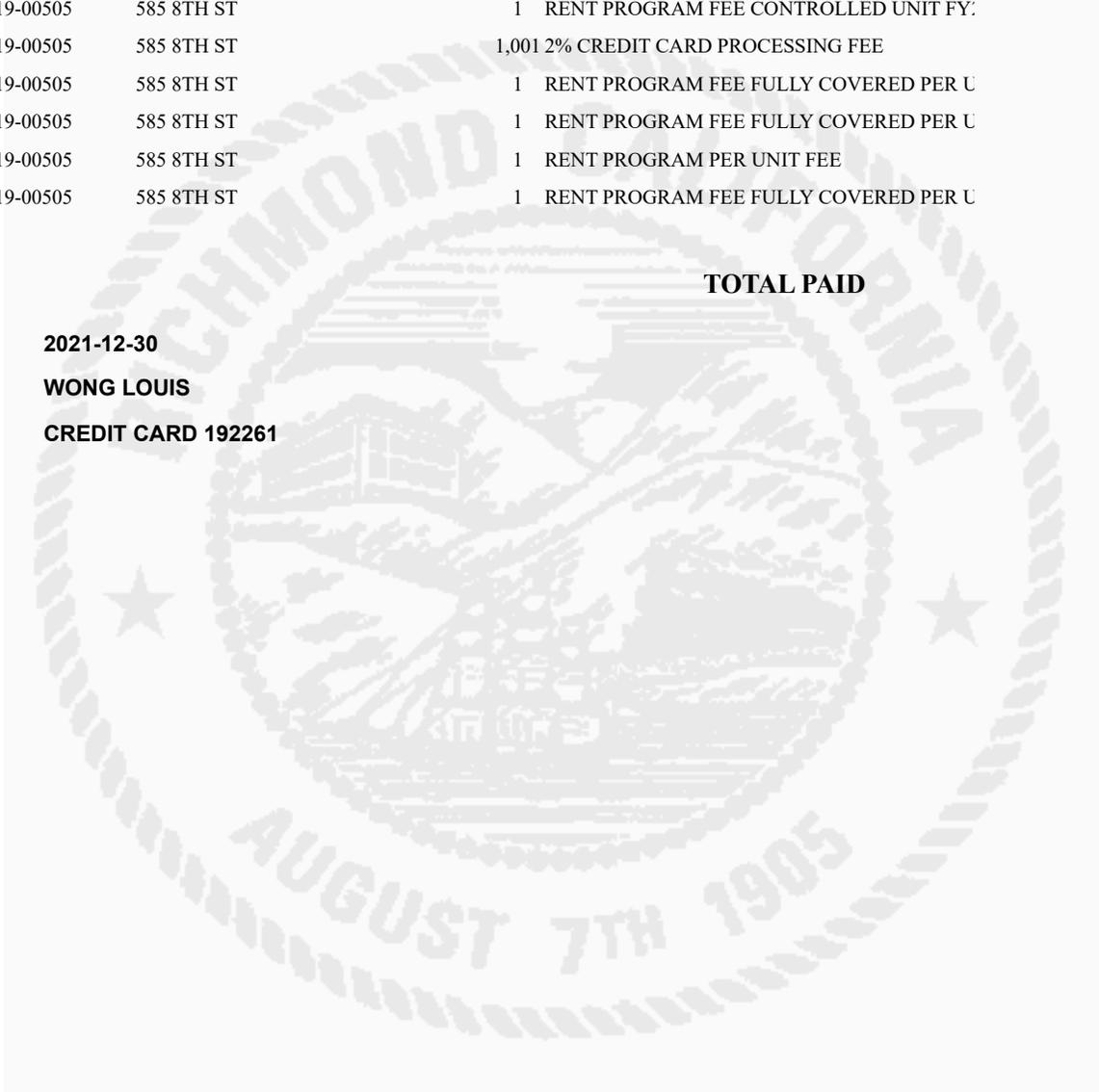
CALIFORNIA  
RECEIPT  
Number: B39406  
FEES PAID

Record Type	Record Number	Address Number	QTY	Description of Fee	Amount of Fee
PERMIT	RC19-00505	585 8TH ST	1	RENT PROGRAM FEE CONTROLLED UNIT FY:	\$212.00
PERMIT	RC19-00505	585 8TH ST	1,001	2% CREDIT CARD PROCESSING FEE	\$20.02
PERMIT	RC19-00505	585 8TH ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$219.00
PERMIT	RC19-00505	585 8TH ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$207.00
PERMIT	RC19-00505	585 8TH ST	1	RENT PROGRAM PER UNIT FEE	\$145.00
PERMIT	RC19-00505	585 8TH ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$218.00

**TOTAL PAID**

**\$1,021.02**

Date of Payment      **2021-12-30**  
Paid By                **WONG LOUIS**  
Method of Payment   **CREDIT CARD 192261**



***This page intentionally left blank***