

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: March 16, 2022

Final Decision Date Deadline: March 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 February 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 February 2022 pursuant for Regulation 425 - Rent Program (Nicolas Traylor/510-620-6564).

AGENDA ITEM NO:

F-4.

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To: Members of the Richmond Rent Board
 From: Nicolas Traylor, Executive Director
 Re: Late Fee Waiver Recommendation
 Date: March 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 February 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)
Yu Bai	2-16-2022	New Owner, did not receive invoice.	Waive all late fees	\$168	\$168	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 February 16, 2022, (Attachment 2) property owner of 3161 Birmingham Dr. #214 (Condominium), Yu Bai, 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. Bai recently purchased 3161 Birmingham Dr. #214. on April 23, 2021(Attachment 4- Parcel Quest Report) and inherited unpaid fees from the previous owners. (Attachment 5-Unpaid past due Invoice for 3161 Birmingham Dr. #214)
- 2) Mr. Bai has since brought the property into compliance by paying all the fees due (minus late fees) and enrolling the property. (Attachment 6-Invoice and Attachment 7- receipt paid by Mr. Bai on February 18, 2022).

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. Bai 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. Bai 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. Bai's claim of Good Cause that he was a new owner and therefore did not receive an invoice has been sufficiently demonstrated. Mr. Bai has only owned 3161 Birmingham Dr. #214. since April 23, 2021 and is the successor in interest who did not receive an invoice.

Staff Recommendation

Based on research conducted by Rent Program staff, Mr. Bai is a successor in interest who had not received an invoice. Therefore, staff recommend waiving all \$168 in late fees that had accrued prior to Mr. Bai becoming the owner. Furthermore, Mr. Wong demonstrated good faith by enrolling the property on February 16, 2022 and paying all of the Rental Housing Fees on

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February 18, 2022, that had accrued and been left unpaid by the previous owner, totaling \$459 minus the late fees.

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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: ____/____/____

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Request to Remove Late Fees

Property Owner Name: YU BAI

FRJC #: RC414350016 RC18-530160010

Property Owner Phone Number or Email: baiyusun@gmail.com

The Property Owner has requested the removal of late fees on their account totaling \$ 168 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: 02 / 16 / 2022

Printed Name: YU BAI

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: ____ / ____ / ____

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Cynthia Shaw

From: Moises Serano
Sent: Wednesday, February 23, 2022 10:25 AM
To: Nicolas Traylor
Subject: FW: Richmond Rent Program - 3161 BIRMINGHAM DR #214
Attachments: 3161 Birmingham Dr #214 - Late Fee Waiver Request.pdf

Good Morning Nicolas,

Just wanted to forward this late fee waiver request we received recently. Mr. Yu Bai recently purchased the property and inherited unpaid fees from the previous owner. Since purchasing the property, Mr. Bai has enrolled the property and paid the fees due to the Richmond Rent Program. My recommendation would be to waive all the late fees as Mr. Bai has shown good faith in getting his property into compliance by enrolling and paying previously due fees. Please feel free to let me know if you require additional documentation.

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

From: Eric <baiyusun@gmail.com>
Sent: Wednesday, February 16, 2022 3:03 PM
To: Moises Serano <Moises_Serano@ci.richmond.ca.us>
Subject: Re: Richmond Rent Program - 3161 BIRMINGHAM DR #214

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

Hello Moises,

I have filled out the forms and enclosed in this email, please process for me.

Thank you very much.

Yu Bai

On Tue, Feb 15, 2022 at 4:49 PM Moises Serano <Moises_Serano@ci.richmond.ca.us> wrote:

Good Evening Yu,

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ATTACHMENT 3**

It was a pleasure speaking to you earlier today. In this email you will find a Residential Rental Housing Fee invoice with the late fees temporarily removed. Once payment is made, please complete and submit the attached Late Fee Waiver Request to officially have the late fees removed.

As I mentioned in our conversation, the Rental Housing Fee is assessed to a Rental Unit, not the Landlord. The Rent Ordinance requires that all Landlords pay the Rental Housing Fee and defines Landlords as including all successors of interest. As such, the owner on the property title, as recorded by the Contra Costa County Assessor, is responsible for paying the Rental Housing Fee, irrespective of when the property title was transferred. The Rent Program has come across these situations before and the advice we give to new property owners that have inherited past due fees is to possibly reach out to the previous owners and come to an agreement regarding past due fees. Many times, the previous owners understand the situation and go ahead and pay any past balance due, but contact must be made by the new owner first.

Lastly, one other compliance requirement that will have to be completed is to fill out the Property Enrollment form that was included in the mailing that you received. I have gone ahead and included an electronic copy in this email in case you would like to fill it out on your computer.

I hope this email was helpful to you. Please do not hesitate to reach back out to me should you have any questions. We hope you have a good rest of your day!

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



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Map data ©2022

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LIST 1
DETAIL

1 Property Address: 3161 BIRMINGHAM DR #214 RICHMOND CA 94806-2600

Ownership

County: **CONTRA COSTA, CA**
Assessor: **GUS KRAMER, ASSESSOR**
Parcel # (APN): **414-350-016-5**
Parcel Status:
Owner Name: **BAI YU MA DAN**
Mailing Address: **3 DOME CT HERCULES CA 94547-1433**
Legal Description: **T05634 L0001 B U0214 EX MR**

Assessment

Total Value: **\$215,444** Use Code: **29** Use Type: **RESID. CONDOMINIUM**
Land Value: **\$32,808** Tax Rate Area: **008-009** County Zoning:
Impr Value: **\$182,636** Year Assd: **2021** Census Tract: **3671.00/3**
Other Value: Property Tax: Price/SqFt: **\$284.60**
% Improved: **84%** Delinquent Yr:
Exempt Amt: HO Exempt: **N**

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	04/23/2021	08/21/2015	07/29/2009	04/23/2021
Document Number:	123212	174283	182972	123212
Document Type:	GRANT DEED	GRANT DEED		
Transfer Amount:	\$329,000	\$197,000	\$102,000	
Seller (Grantor):				

Property Characteristics

Bedrooms:	2	Fireplace:		Units:	
Baths (Full):	1	A/C:		Stories:	2.0
Baths (Half):	1	Heating:		Quality:	
Total Rooms:	6	Pool:		Building Class:	
Bldg/Liv Area:	1,156	Park Type:	CARPORT	Condition:	AVERAGE
Lot Acres:		Spaces:	2	Site Influence:	
Lot SqFt:		Garage SqFt:	529	Timber Preserve:	
Year Built:	1981			Ag Preserve:	
Effective Year:	1982				

RENTAL HOUSING FEE INVOICE

INVOICE DATE: February 11, 2022

Property Owner/Landlord Mailing Address

BAI YU & MA DAN
3 DOME CT
HERCULES, CA 94547

Pay today ONLINE!
Visit etrakit.ci.richmond.ca.us
Login using the *Contractor/Landlord*
dropdown menu and finding the owner
name printed above. Your password is
set to 414350016.

FRJC Registration#: RC414350016

Page 1 of 1

APN/Situs Address	Applicable Fiscal Year	Amount Due
RC17-44265 / 414-350-016-5 / 3161 BIRMINGHAM DR #214	FY 2018-2019	100.00
RC17-44265 / 414-350-016-5 / 3161 BIRMINGHAM DR #214	FY 2019-2020	112.00
RC17-44265 / 414-350-016-5 / 3161 BIRMINGHAM DR #214	FY 2020-2021	124.00
RC17-44265 / 414-350-016-5 / 3161 BIRMINGHAM DR #214	FY 2021-2022	123.00
RC17-44265 / 414-350-016-5 / 3161 BIRMINGHAM DR #214 / LATE FEES	PRIOR LATE FEE	168.00
AMOUNT DUE if paid by: March 18, 2022		627.00
AMOUNT DUE if paid after: March 18, 2022 :	627.00 + 12.30 10% Late Fee FY 21-22 FEES	639.30
AMOUNT DUE if paid after: April 17, 2022 :	627.00 + 30.75 25% Late Fee FY 21-22 FEES	657.75
AMOUNT DUE if paid after: May 17, 2022 :	627.00 + 61.50 50% Late Fee FY 21-22 FEES	688.50

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 https://etrakitti.richmond.ca.us (2) Login using the <i>Contractor/Landlord</i> dropdown menu and finding your name (3) Your password is set to 414350016 Amount Due: \$627.00	(1) Make payable to "City of Richmond" (2) Write your FRJC Number in the memo line FRJC # RC414350016 (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.

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CITY OF RICHMOND

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ATTACHMENT 6

3/8/2022

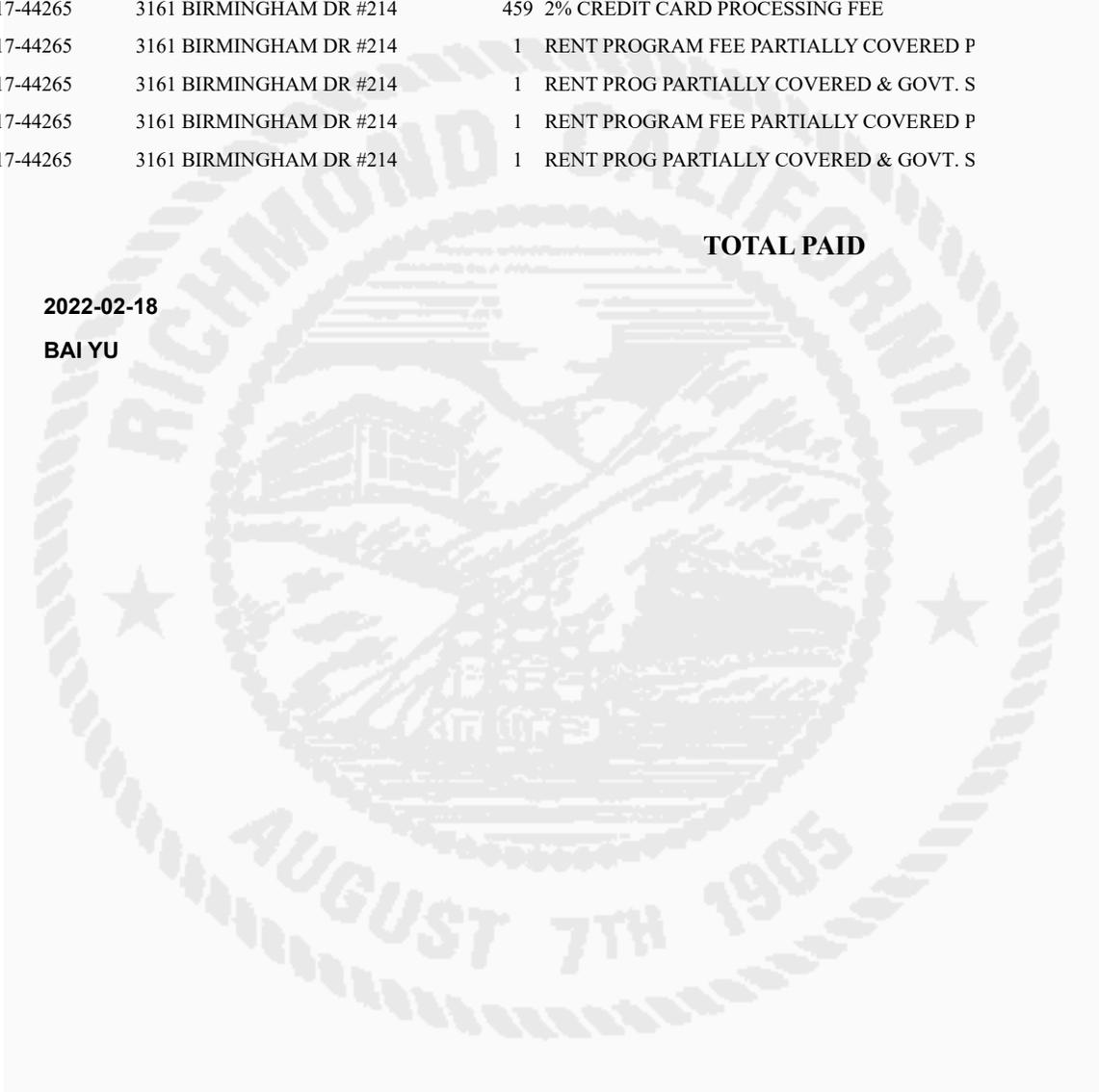
CALIFORNIA
RECEIPT

Number: WEB35489

FEES PAID

Record Type	Record Number	Address Number	QTY Description of Fee	Amount of Fee
PERMIT	RC17-44265	3161 BIRMINGHAM DR #214	459 2% CREDIT CARD PROCESSING FEE	\$9.18
PERMIT	RC17-44265	3161 BIRMINGHAM DR #214	1 RENT PROGRAM FEE PARTIALLY COVERED P	\$100.00
PERMIT	RC17-44265	3161 BIRMINGHAM DR #214	1 RENT PROG PARTIALLY COVERED & GOVT. S	\$124.00
PERMIT	RC17-44265	3161 BIRMINGHAM DR #214	1 RENT PROGRAM FEE PARTIALLY COVERED P	\$112.00
PERMIT	RC17-44265	3161 BIRMINGHAM DR #214	1 RENT PROG PARTIALLY COVERED & GOVT. S	\$123.00
TOTAL PAID				\$468.18

Date of Payment **2022-02-18**
 Paid By **BAI YU**
 Method of Payment



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RENTAL HOUSING FEE INVOICE

INVOICE DATE: February 11, 2022

Property Owner/Landlord Mailing Address

BAI YU
3 DOME CT
HERCULES, CA 94547

Pay today ONLINE!
Visit etrakit.ci.richmond.ca.us
Login using the *Contractor/Landlord* dropdown menu and finding the owner name printed above. Your password is set to 530160010.

FRJC Registration#: RC18-530160010

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APN/Situs Address	Applicable Fiscal Year	Amount Due
RC17-44265 / 414-350-016-5 / 3161 BIRMINGHAM DR #214	FY 2018-2019	100.00
RC17-44265 / 414-350-016-5 / 3161 BIRMINGHAM DR #214	FY 2019-2020	112.00
RC17-44265 / 414-350-016-5 / 3161 BIRMINGHAM DR #214	FY 2020-2021	124.00
RC17-44265 / 414-350-016-5 / 3161 BIRMINGHAM DR #214	FY 2021-2022	123.00
AMOUNT DUE if paid by: March 18, 2022		459.00
AMOUNT DUE if paid after: March 18, 2022 :	459.00 + 12.30 10% Late Fee FY 21-22 FEES	471.30
AMOUNT DUE if paid after: April 17, 2022 :	459.00 + 30.75 25% Late Fee FY 21-22 FEES	489.75
AMOUNT DUE if paid after: May 17, 2022 :	459.00 + 61.50 50% Late Fee FY 21-22 FEES	520.50

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 https://etrakitti.richmond.ca.us (2) Login using the <i>Contractor/Landlord</i> dropdown menu and finding your name (3) Your password is set to 530160010 Amount Due: \$459.00	(1) Make payable to "City of Richmond" (2) Write your FRJC Number in the memo line FRJC # RC18-530160010 (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.

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