



REGULAR MEETING OF THE RENT BOARD OF THE CITY OF RICHMOND

AGENDA
Wednesday, March 16, 2022

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/84987511130?pwd=Y3pEdTRLQ0N5aUFuWjYrUDVib09TQT09>

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: 849 8751 1130

Step 3: Enter the following passcode: 444840933

International numbers available: <https://us02web.zoom.us/j/84987511130?pwd=Y3pEdTRLQ0N5aUFuWjYrUDVib09TQT09>

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, March 16, 2022**. 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 February 16, 2022, Regular Meeting of the Richmond Rent Board. *Cynthia Shaw*
- F-2.** RECEIVE the Fiscal Year 2021-22 Monthly Activity Report through February 2022. *Cynthia Shaw*
- F-3.** RECEIVE the Rent Program FY 2021-22 Monthly Revenue and Expenditure Report through February 2022. *Fred Tran*
- F-4.** APPROVE late fee waiver(s) for February 2022 pursuant for Regulation 425. *Nicolas Traylor*
- F-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. *Charles Oshinuga*

G. STUDY AND ACTION SESSION

- G-1.** RECEIVE an update of the budget and fee study process and, if necessary, RESCHEDULE April's Regular Board Meeting to allow for time to resolve any issues with the City's Cost Pool allocation. *Nicolas Traylor*
Fred Tran

H. REPORTS OF OFFICERS

I. 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: March 16, 2022

Final Decision Date Deadline: March 16, 2022

STATEMENT OF THE ISSUE: The minutes of the February 16, 2022, 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 February 16, 2022, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-1.

This page intentionally left blank

RICHMOND, CALIFORNIA, February 16, 2022

The Regular Meeting of the Richmond Rent Board was called to order at 5:01 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/88689590195?pwd=YU5TNmxHWXJkT1NWK3E2cXNYd2h6UT09>

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: 886 8959 0195

International numbers available:

<https://us02web.zoom.us/j/k5G6s5Jul>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, February 16, 2022, 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

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

Staff Present: General Counsel Charles Oshinuga, Deputy Director Fred Tran, and Executive Director Nicolas Traylor.

Absent: None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

None.

PUBLIC FORUM

Cordell Hindler began his comment that he reviewed the February 16, 2022, agenda packet and explained Item F-5 under Consent Calendar regarding City legislative bodies continuing to meet via videoconference and teleconference at the City of Pinole Council meeting. He expressed his concern that the Public should return to in-person Rent Board meetings. He also said he hoped that one day soon, the Board would consider holding Hybrid meetings, similar to the City of Berkeley Council meetings. He also expressed that he misses the in-person interaction with Rent Board Members in the Council Chambers. He also mentioned that he reviewed the January 19, 2022, meeting minutes and noticed a typo in Item F-1 under Public Forum to correct the spelling of Counsel of Industries to Council of Industries. He also invited the Board to attend a performance titled “As You Like It,” located at the Masquers Playhouse, held on Friday and Saturday evening at 8:00 PM.

RENT BOARD CONSENT CALENDAR

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

*F-1. Approve the minutes of the January 19, 2022, Regular Meeting of the Richmond Rent Board.

*F-2. Receive the Fiscal Year 2021-22 Monthly Activity Report through January.

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

*F-4. Approve late fee waiver(s) for January 2022 pursuant for Regulation 425.

*F-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.

STUDY AND ACTION SESSION

G-1. The matter to receive an overview and discuss the objective of the Fiscal Year 2022-23 Rent Program operating budget options and corresponding Rental Housing Fee Study and provide direction to staff was presented by Deputy Director Fred Tran. The presentation included the statement of the issue, Rent Program Mission Statement, proposed FY 2022-23 goals, expense, and revenue summary, proposed Rent Program organizational chart, proposed budget priorities, proposed budget priorities – Option B, proposed budget options and corresponding estimated Rental Housing Fee (comparison), comparison to peer jurisdictions, 10-year Financial Projection, and the recommended action. Discussion ensued. There were no public comments on this item. A motion by Chair Finlay, to adopt the proposed Fiscal Year 2021-22 Rent Program Budget to provide support for continued development of all Rent Program operations, and adopt a 2-tiered fee structure for the FY 2021-22, \$228.00 for fully covered rental units and \$129.00 for partially covered rental units, and acknowledge that the Board received and approved the revised 2021-22 Rental Housing Fee Study and direct staff to prepare a Resolution consistent with the Rent Board’s approval and budget when presented at the next Rent Board meeting.

General Counsel Charles Oshinuga informed Chair Finlay that before adopting a fee study and fee, the Board would have to pass the budget or do them simultaneously. He added that it was not the time to pass the budget at this meeting because it was not properly noticed, and there hasn’t been a public hearing held on the budget. He recommended she amend her motion to reflect the recommended action and select which budget options to direct staff to return for consideration.

Chair Finlay mentioned that she made the mistake of jumping to the recommendation at the back of the proposal and information received.

Chair Finlay accepted the recommendations by General Counsel Charles Oshinuga.

An amended motion by Chair Finlay, seconded by Board Member Johnson, to receive the proposed Fiscal Year 2022-23 Rent Program operating budget options and corresponding Rental Housing Fee and direct staff to return to the next meeting with Option B for consideration, passed by the following vote: **Ayes:** Board Member Johnson, Vice Chair Mishek and Chair Finlay. **Noes:** Board Members Conner and Vasilas. **Abstentions:** None. **Absent: None.**

General Counsel Charles Oshinuga made a statement to the Board Members and the Public that this motion does not bind the Board to Option B. It requires staff to come back to the Board with Option B with a detailed budget with every line item to critique. If you find that option B is no longer appropriate because perhaps the Cost Pool of the City has increased the bottom-line fee, you can reject Option B and tweak it or any line item as you see fit. It's a public hearing, so the public also gets to weigh in.

REPORTS OF OFFICERS

Executive Director Nicolas Traylor informed the Board that we are currently interviewing for three key positions, a Senior Management Analyst, who will be overseeing Public Information and Registration and Enrollment units and providing information to the public. We are also interviewing for a Rent Services Analyst. We recently interviewed a candidate for one of our clerical positions and sent out an offer letter. He added that we are gradually staffing up again, which is a relief.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:20 P.M.

Cynthia Shaw
Staff Clerk

(SEAL)

Approved:

Virginia Finlay, Rent Board Chair

This page intentionally left blank

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: 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

- | | | | | |
|---|---|--|--|---|
| <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 February 2022 - Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-2.

This page intentionally left blank

Monthly Report - FY 21-22
February 2022

	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	
	MTD ACTUAL	YTD TOTAL							
Public Information & Enrollment Unit									
Rent/Eviction Counseling Appointments Walk-ins	-		-	-	-				-
Rent/Eviction Counseling Appointments By Phone	209	208	160	168	140	140	137	214	1,376
Rent/Eviction Counseling Appointments By In-Person	71	102	65	68	105	51	71		533
Rent/Eviction Counseling Questions Addressed By Email	212	176	89	163	104	68	209	240	1,261
TOTAL RENT/EVICTION COUNSELING APPOINTMENTS	492	486	314	399	349	259	417	454	3,170
Rent/Eviction Counseling Sessions Conducted in Spanish			52	42	35	30	44	38	241
Rent/Eviction Counseling Sessions Conducted in Mandarin		-	-			-		-	-
Rent/Eviction Counseling Sessions Conducted in Cantonese			-			-		1	1
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	30	44	39	471
Legal Service Referrals	15	18	8	4		4	15	9	73
Written Legal Referrals - Eviction Defense Center	-			8	12	4	6	8	38
Verbal Legal Referrals - Eviction Defense Center	-			1		6		1	8
Written Legal Referrals - Bay Area Legal Aid				8	1	9	2	8	28
Verbal Legal Referrals - Bay Area Legal Aid				4	5	16		-	25
Mediations Conducted	2				2	3	3	1	11
Assists from Front Office Staff	266	133		35	70	203	238	274	1,219
Courtesy Compliance Letters Sent	15		4	25	24	24	8	198	298
Community Workshop Attendees	1		32	37		-		-	70
Hard Copy Rent Increase Notices Processed	7	27	12	32	53	98	16	21	266
Hard Copy Termination of Tenancy Notices Processed	5	46	9	8	2	7	8	3	88
TOTAL HARD COPY NOTICES PROCESSED	12	73	21	40	55	105	24	24	354

ITEM F-2

	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	
	MTD ACTUAL	YTD TOTAL							
Billing/Enrollment/Registration Counseling Appointments In-Person	7	4	-	2	3	-		-	16
Billing/Enrollment/Registration Counseling Appointments By Phone	83	68	51	24	24	41	38	21	350
Billing/Enrollment/Registration Counseling Questions Addressed By Email	131	49	29	14	35	33	29	38	358
TOTAL BILLING/ENROLLMENT/REGISTRATION COUNSELING APPOINTMENTS	214	117	80	38	59	74	67	59	708
Enrollment/Tenancy Registration Packets Mailed	77	5	32	1	7	-		3	125
Enrollment Forms Processed	31	12	10	44	20	21	9	20	167
Rental Housing Fee Invoices Generated	4,729	124	78	8	40	130	4	2	5,115
Checks Processed	881	650	29	39	27	13	13	6	1,658
Checks Returned	2	2	4	22	15	-		-	45
Rental Units Discovered Not in Database	1	3	2	3	1	10	1	5	26
Property Information Updated	153	58	21	14	54	117	46	110	573
Compliance Actions (Reviewing Records, Exemption Statuses, Addresses)	-			258	31	14	7	15	325
Applications for Administrative Determination of Exempt/Inapplicable Status Received	8	5		2	-	1	4	3	23
Administrative Determination of Exempt/Inapplicable Status Issued	-	1		6	10	2		-	19
Declarations of Exemption Processed	4	12		6	4	2		9	37
LEGAL UNIT									-
Public Records Act Requests Received	1	1	2	4	-	-	2	-	10
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	1		1	6
Substantial Repairs Termination of Tenancy Notices Reviewed	-	-	-	-	-	1		-	1
Appeal Hearings Held	-	-	-	-	-	1		-	1
HEARINGS UNIT									-
Consultations with Hearings Unit Coordinator In Person					1	-	-	4	5
Consultations with Hearings Unit Coordinator By Phone	3	6	3	2	10	15	15	13	67
Hearings-Related Questions Addressed by Email	17	12	20	26	31	51	69	79	305

ITEM F-2

	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	
	MTD ACTUAL	YTD TOTAL							
TOTAL HEARINGS-RELATED CONSULTATIONS	20	18	23	28	42	66	84	96	377
MNOI Petitions Received (Attachment A)						-	10	1	11
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	-					2	1		3
TOTAL LANDLORD PETITIONS RECEIVED	1	2	-	-	-	2	11	1	17
Excess Rent or Failure to Return Sec Dep Petitions Received (Attachment A)	-	2		1	1	1			5
Decrease in Space/Services or Habitability Petitions Received (Attachment B)		3		1	2	3	3	2	14
Reduction in Number of Tenants Petitions Received (Attachment C)	-					-			-
Tenant Petition Based on Multiple Grounds						1	1	1	3
Tenant Petition for Rent Withholding Petitions Received	-					-			-
Tenant Petition for Failure to Pay Relocation Payment Petitions Received	-			2		4			6
TOTAL TENANT PETITIONS RECEIVED	-	5	-	4	3	9	4	3	28
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	-		2	3
Subpoena(s)	-					-			-
TOTAL OTHER PETITIONS RECEIVED	-	-	-	-	1	-	-	2	3
Decisions Ordered	1					-	2	2	5
Cases Settled	-				1	1		5	7
Cases Dismissed	1	2				-	2		5
Petitions Withdrawn	2	1	2	1		2	2	1	11
TOTAL CASES CLOSED	4	3	2	1	1	3	6	8	28
Appeals Received	-	1				-			1

	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	
	MTD ACTUAL	YTD TOTAL							
Total Open Cases (Tenant Petitions)	2	3	6	10	14	18	18	15	86
Total Open Cases (Landlord Petitions)	2	3	1	1	1	1	12	11	32
Total Open Cases (Other Petitions)	-			2	3				5
TOTAL OPEN CASES	4	6	7	11	15	19	30	26	118
Form Submissions									-
Agent Authorization		-	-		1	-		-	1
Proof of Excess Rent Refund	-	-	-	-	-	-		-	-
Proof of Permanent Relocation Payment			1	2	-	1	1	2	7
Proof of Temporary Relocation Payment	-	-	-	-	-	-		-	-
Change in Terms of Tenancy	1	-	2	2	-	1	1	-	7
TOTAL RENT INCREASE NOTICES FILED	69	69	79	4	212	2	106	2	543
Termination of Tenancy - Nonpayment of Rent	1	12	31	39	17	24	9	26	159
Termination of Tenancy - Breach of Lease	3	3	10	10	7	2	6	3	44
Termination of Tenancy - Failure to Give Access	-	-		-	-	-		-	-
Termination of Tenancy - Nuisance	-	2	2	1	-	1		-	6
Termination of Tenancy - Withdrawal from the Rental Market	2		1	-	1	-		1	5
Termination of Tenancy - Owner Move-In	-			4	-	1			5
Termination of Tenancy - Substantial Repairs	-			-	-	-			-
Termination of Tenancy - Temporary Tenancy	-		2	-	-	1			3
TOTAL TERMINATION OF TENANCY NOTICES FILED	6	17	46	54	25	29	15	30	222

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: Utilizing the City's MUNIS software system, management staff can 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 February 2022 – Rent Program (Fred Tran 620-6537).

AGENDA ITEM NO:

F-3.

This page intentionally left blank

This page intentionally left blank

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.

This page intentionally left blank



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

ITEM F-4

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

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



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: ____ / ____ / ____

This page intentionally left blank

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,

**ITEM F-4
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



Google

2 m

Map data ©2022

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



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.

This page intentionally left blank



CITY OF RICHMOND

ITEM F-4
ATTACHMENT 6

3/8/2022

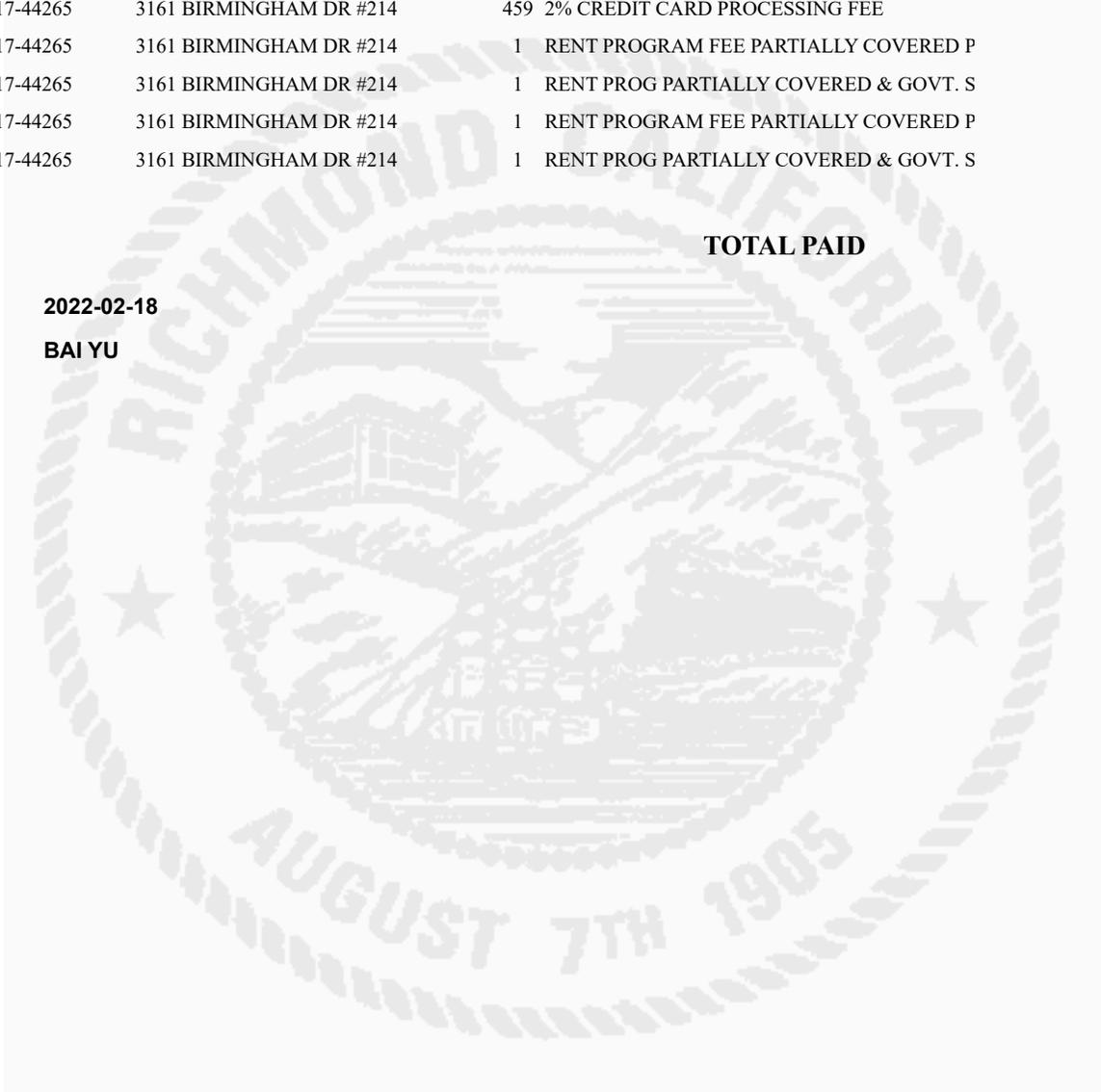
CALIFORNIA
RECEIPT

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



This page intentionally left blank

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

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
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.

This page intentionally left blank

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: 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

- | | | |
|---|--|--|
| <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-5.

This page intentionally left blank



AGENDA REPORT

DATE: March 16, 2022

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 27,881¹ confirmed cases of COVID-19 and at least 170 deaths in the City of Richmond. That is approximately an increase of 787 confirmed Covid cases and 17 Covid-related deaths in 30 days. Positive Covid cases have continued to decrease over the past few weeks, leading Contra Costa County to relax some of their indoor masking requirements for vaccinated individuals. Despite the relaxation of some rules, Covid still remains a pandemic and Richmond local officials continue to impose or recommend measures to promote social distancing, mask wearing and vaccination. Additionally, City Council has continued to pass its Resolution under AB 361, rightfully finding that holding public meetings in the Council Chambers would pose an imminent risk to the health and safety of the public. Given the aforementioned statements and the fact that this Board holds meetings in the same chamber as Council, it's clear that holding Board meetings in

¹ This number represents approximately 21% of the City of Richmond's population.

ITEM F-5

person would present imminent risks to the health and safety of the public and members of Board. Therefore, public meetings cannot safely be held in person at this time.

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 22-03

This page intentionally left blank

RESOLUTION NO. 22-03

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 for the unvaccinated 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 options for the public to participate without having to attend meetings in

ITEM F-5
ATTACHMENT 1

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-5
ATTACHMENT 1**

APPROVED by the City of Richmond Rent Board at a regular meeting on March 16, 2022 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

RENT BOARD CHAIR

APPROVED AS TO FORM:

ATTEST:

GENERAL COUNSEL

RENT BOARD CLERK

This page intentionally left blank

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: In accordance with Section 11.100.060(l) of the Richmond Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, the amount of the Residential Rental Housing Fee will be determined by the City Council after a recommendation by the Board is provided to the City Council. Prior to July 1, the Board is required to hold a public hearing on a proposed budget and adopt an annual budget for the ensuing fiscal year. Staff members will provide the Rent Board with an update of the progress of the budget and fee study for fiscal year 2022-23.

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>STUDY AND ACTION SESSION</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 an update of the budget and fee study process and, if necessary, RESCHEDULE April's Regular Board Meeting to allow for time to resolve any issues with the City's Cost Pool allocation. (Nicolas Traylor/Fred Tran – 620-6564).

AGENDA ITEM NO:

G-1.

This page intentionally left blank



AGENDA REPORT

DATE: March 16, 2022

TO: Chair Finlay and Members of the Rent Board

FROM: Nicolas Traylor, Executive Director
Fred Tran, Deputy Director

SUBJECT: FISCAL YEAR 2022–23 BUDGET AND FEE STUDY UPDATE

STATEMENT OF THE ISSUE:

In accordance with Section 11.100.060(l) of the Richmond Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, the amount of the Residential Rental Housing Fee will be determined by the City Council after a recommendation by the Board is provided to the City Council. Prior to July 1, the Board is required to hold a public hearing on a proposed budget and adopt an annual budget for the ensuing fiscal year. Staff members will provide the Rent Board with an update of the progress of the budget and fee study for fiscal year 2022-23.

RECOMMENDED ACTION:

RECEIVE an update of the budget and fee study process and, if necessary, RESCHEDULE April's Regular Board Meeting to allow for time to resolve any issues with the City's Cost Pool allocation. (Nicolas Traylor/Fred Tran – 620-6564).

FISCAL IMPACT:

There is no fiscal impact related to this item.

DISCUSSION:

Background

On February 16, 2022, Staff presented the operating budget options and corresponding Rental Housing Fees to the Rental Board for Fiscal Year 2022-23 and receive direction on the selection of one of two budget options. Prior to presenting the final proposed budget, Staff was awaiting the Fringe Benefits percentage, Cost Pool for Insurance, Administrative Charges, and Civic Center Allocation from the Finance (Budget) Department, as these charges impact the fee calculation. Rent Program staff met with the

ITEM G-1

Finance and Human Resources Department on February 17, 2022, to receive further guidance of the City-wide cost allocation. Rent Program staff was advised by the Finance Department that the Cost Pool amounts were anticipated to increase, but the amounts had yet to be fully calculated and refined. The City's delay in providing the allocations was the result of a proposed new methodology in how cost allocations are calculated. Rather than present potentially inaccurate Cost Pool allocations for possible adoption by the Board, Staff requires additional time to produce accurate figures for the Board's consideration. Furthermore, Staff are engaged in on-going discussions with the City of Richmond regarding the proposed new methodology for calculating Cost Pool amounts. There is concern the revised methodology may conflict with the requirements of Section 50076 of the California Government Code which requires fees charged for any service or regulatory activity must not exceed the reasonable cost of providing the service.

The Cost Pool for Administrative Charges and Civic Center Allocation are still currently outstanding from the Finance Department and Rent Program leadership are engaged in on-going discussions with the City Attorney's, City Manager, Human Resources, and Finance Department.

Discussion

Upon receiving the final cost allocation amounts from the Finance Department, Rent Program Staff will present a proposed budget for potential adoption by the Rent Board. As a result of the City's delay in producing accurate Cost Pool numbers, a revised timeline for the budget adoption is required. The new proposed timeline is listed as Attachment 1.

DOCUMENTS ATTACHED:

Attachment 1 – Proposed FY 2022-23 Budget and Fee Study Timeline

PROPOSED FY 2022-23 BUDGET AND FEE STUDY TIMELINE

Date	Task	Lead
February 1, 2022	Budget Kickoff Meeting – Review Proposed Timeline	Fred
February Regular Rent Board Meeting (2/16/22) <i>Packet published 2/11/22</i>	Board Receives Timeline for Budget Adoption/Fee Study Approval/Approval of Fee/Billing	Fred
April 1, 2022	Newspaper announcement is sent to be published in the paper on Wednesday, April 6 & Saturday, April 9, 2022	Cindy
April Regular Rent Board Meeting (4/20/22) <i>Packet published 4/6/22</i>	PUBLIC HEARING HELD: Board receives revised FY 22/23 Budget and Fee Study and considers adoption (if not adopted, item may be continued in April and May, potential Special Meetings required)	Fred
City Council Meeting in April – April 26, 2022 (staff will insert placeholder for subsequent meetings in the event item requires several meetings) <i>(Item request due in eSCRIBE 4/7/22, supporting docs due 4/14)</i>	City Council Adopts Resolution Approving FY 22/23 Rental Housing Fee	Nick
May 2022	Rent Program staff notify Finance Department staff (Belinda Warner and Antonio Banuelos) of adopted fee for inclusion in the City’s Master Fee Schedule	Fred

Section 11.100.060(n) of the Rent Ordinance states:

(n) Budget. The Board shall, prior to July 1 of each year, hold a public hearing on a proposed budget and adopt an annual budget for the ensuing fiscal year. At least thirty-five days prior to the beginning of each fiscal year, the Board's Executive Director shall submit to the Board the proposed budget as prepared by the Executive Director. After reviewing the same and making such revisions as it may deem advisable, the Board shall determine the time for the holding of a public hearing thereon and shall cause to be published a notice thereof not less than ten days prior to said hearing, by at least one insertion in the official newspaper. Copies of the proposed budget shall be available for inspection by the public in the office of the Board at least ten days prior to said hearing. The City Council and the City Manager shall have no authority to oversee, supervise, or approve this budget. Upon final adoption, the budget shall be in effect for the ensuing fiscal year and the amounts stated therein shall be and become appropriated by the Board for the respective objects and purposes therein specified. At any meeting after the adoption of the budget the Board may amend or supplement the budget by the affirmative votes of at least three members. Copies of the adopted budget and any amendments or supplements shall be filed with the City Clerk, and City Manager.

This page intentionally left blank