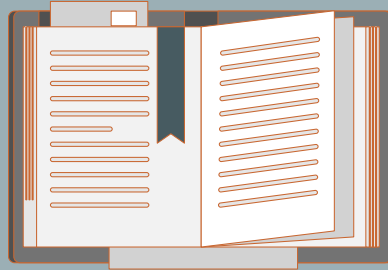


# HOW TO FILE A RENT INCREASE OR DECREASE PETITION



CITY OF RICHMOND RENT PROGRAM  
April 29, 2022

Presented By:  
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Rent Program – Deputy Director



# TOPICS COVERED

**Purpose**

**Overview of the  
Richmond Rent  
Ordinance**

**Properties Covered  
under the Rent  
Ordinance**

**Who can File a Rent  
Adjustment  
Petition?**

**Tenant and  
Landlord Rent  
Adjustment  
Petitions**

**How to File a  
Petition**

**Overview of the  
Petition Process**

# PURPOSE OF THE RENT ORDINANCE

To promote **neighborhood and community stability, healthy housing, and affordability for renters** in the City of Richmond by controlling excessive rent increases and arbitrary evictions to the greatest extent allowable under California law, while ensuring Landlords a fair return.

# The Richmond Rent Ordinance (RMC 11.100)

## Rent Control

Rents are regulated. The **Maximum Allowable Rent (MAR)** is calculated by taking the **Base Rent + Annual General Adjustments** (and an allowable **Individual Rent Adjustment** that is ordered by a Hearing Examiner).

**Annual General Adjustment (AGA):**  
100% of the Consumer Price Index in the Bay Area (inflation rate)

**Petition Process:**  
A mechanism to increase or decrease the MAR based on grounds permitted by the Rent Ordinance

**Base Rent:** the rent in effect as of **July 21, 2015**, or the first rent charged for Tenants that moved in after that date

## Just Cause for Eviction Protections

A Landlord needs to have one of the eight "**Just Causes**" to terminate tenancy

- 1) Failure to Pay Rent
- 2) Breach of Lease
- 3) Nuisance
- 4) Failure to Give Access
- 5) Temporarily Vacate in Order to Undertake Substantial Repairs
- 6) Owner-Move-In
- 7) Withdrawal from the Rental Market "Ellis Act"
- 8) Temporary Tenancy

# WHICH PROPERTIES ARE COVERED BY THE RENT ORDINANCE?

**Fully Covered**  
("Controlled Rental  
Units"): Rent  
Control and Just  
Cause for Eviction  
Protections



- ✓ Multi-Unit Properties built on or before February 1, 1995

**Partially Covered:**  
Only Just Cause for  
Eviction Protections  
(Not Rent-  
Controlled)



- ✓ Government Subsidized units, including Section 8 Tenancies
- ✓ Properties with one dwelling unit on one parcel
- ✓ Condominiums
- ✓ "New Construction" constructed after February 1, 1995\*

\*Costa Hawkins requires units be permitted with a certificate of occupancy (i.e., permits are final, and unit is fit for residential habitation).

**Fully Exempt:** No  
Rent Control and no  
Just Cause for  
Eviction Protections



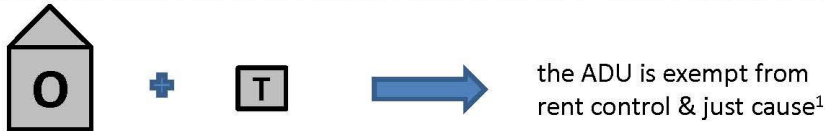
- ✓ Landlord and Tenant share kitchen or bath
- ✓ Single family homes where a permitted ADU and the main house is owner-occupied
- ✓ Retirement Homes
- ✓ Short-term rentals (less than 14 days)

# ACCESSORY DWELLING UNITS (ADUs)

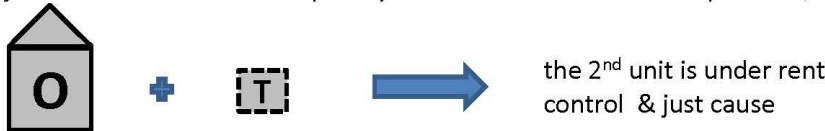
## Accessory Dwelling Units (ADUs) and the Rent Ordinance



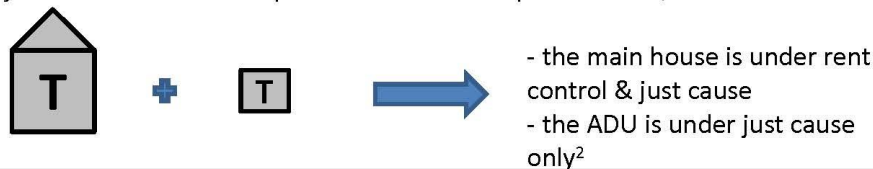
If the main house is the owner's primary residence and the 2<sup>nd</sup> unit is a permitted ADU, then...



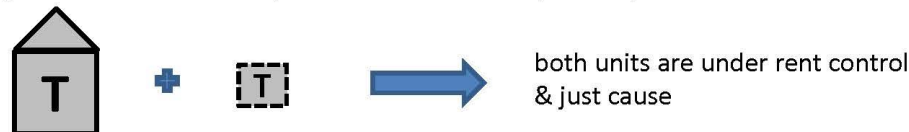
If the main house is the owner's primary residence and the 2<sup>nd</sup> unit is not permitted, then...



If both units are tenant-occupied and the 2<sup>nd</sup> unit is a permitted ADU, then...



If both units are tenant-occupied and the 2<sup>nd</sup> unit is not permitted, then...



If the main house is tenant-occupied and the 2<sup>nd</sup> unit is owner-occupied, then...



### Key

O = owner-occupied (*primary residence*)

T = tenant-occupied

main house

permitted ADU

unpermitted 2<sup>nd</sup> unit

*Note: all units are exempt from rent control if built after 1995*

**For more information on ADU requirements, contact the Planning Division at (510) 620-6706**

**For more information on Rent Control and Just Cause, contact the Rent Program at (510) 234-RENT (7368)**

### References

1. RMC 11.100.040 (2)
2. RMC 11.100.030 (d)(5)

# WHO CAN FILE A RENT ADJUSTMENT PETITION?

- Any Tenant or Landlord subject to the rent control provisions of the Rent Ordinance may file a Rent Adjustment Petition. Units under rent control are also called Fully Covered Units, meaning Rent Control and Just Cause for Eviction Protections apply.
- Tenants who believe their unit should be subject to Rent Control provisions but are unsure may file a petition. These cases usually involve homes that have been subdivided, have converted garages, or have an additional dwelling unit (ADU).
- Tenants or Landlords may file the petition themselves or have a representative file it for them.
- Units not subject to rent control may not file a Rent Adjustment Petition. These are usually properties that are only under Just Cause for Eviction Protections, such as single-family homes (one dwelling unit on the property), condominiums, or rentals subsidized by the government, such as Section 8 or Tax Credit units.

***Not sure if you qualify? Contact the Rent Program at 510-234-RENT [7368] to speak with a Housing Counselor.***

# TENANT PETITION FOR A RENT ADJUSTMENT

**Petition for Excessive Rent due to failure on behalf of the Landlord to roll back the Rent or for charging Rent above the Maximum Allowable Rent (MAR) – Attachment A of a Petition**

**Petition to reduce the Rent due to decrease in space, services, and/or habitability - Attachment B of a Petition**

**Petition to reduce the Rent due to a reduction in the number of Tenants allowed - Attachment C of a Petition**

**Petition for Failure to Pay Relocation Payments**



# LANDLORD PETITION FOR A RENT ADJUSTMENT

**Petition to increase rent for Maintenance of Net Operating Income (“Fair Return”) Capital Improvement and Expense - Attachment A**

**Petition to increase rent due to increase in Number of Occupants Allowed\* - Attachment B**

**Petition to increase rent due to change in Space or Services - Attachment C**

**Petition to increase rent for Restoration of Denied Annual General Adjustments - Attachment D**

**Petition to increase Security Deposit due to addition of pet(s)- Attachment E**

\*A petition for an increase in the number of occupants will not be approved if it concerns additional tenants pursuant to the Regulations of the Richmond Rent Board, Chapter 9, Section 903 (B)(2)

To access more information and petition forms; visit: <http://www.ci.richmond.ca.us/3631/Petition-Forms>

# **LEARN HOW TO FILE A PETITION**

# OVERVIEW

The Rent Ordinance allows for rents to be regulated and adjusted through the Rent Adjustment Petition Process overseen by a Hearing Examiner. Think of the Hearing Examiner as a judge. The process is similar to a Court, but the process is less formal as it is an administrative process performed and completed through the Rent Program and its staff.

Landlords or Tenants subject to the Rent-Control provisions of the Rent Ordinance may file a Petition requesting a downward or upward rent adjustment. After reviewing documents and listening to testimony, the Hearing Examiner may order an adjustment to the rent if the petitioner has proven their case by a preponderance of the evidence (more than 50% likely).

# STEPS TO FILING A PETITION WITH THE RENT PROGRAM

- Step 1:** Contact a Rent Program Services Analyst to discuss your case and learn about your rights under the Rent Ordinance and Rent Regulations. Anyone interested in filing a petition should consult with a Rent Program Services Analyst at (510) 234-RENT [7368] prior to filing a petition to ensure correct filing and to understand how the rent adjustment petition process works. Rent Program Services Analysts are available Monday -Friday, 9:00 AM – 12:00 PM and 1:00 PM- 4:00PM.
- Step 2:** Complete the Landlord or Tenant Packet. This form must be completed and filed to be deemed complete.
- Step 3:** Complete the appropriate attachment(s). Tenants or Landlords can petition for multiple grounds at the same time.

# STEPS TO FILING A PETITION WITH THE RENT PROGRAM (CONTINUED)

- Step 4:** Include your documentation or evidence to support the petition claim. When filing a petition, the petitioner should submit the lease, letters, e-mails, texts, photos, videos, inspection reports, and any other documentation to support the grounds for the rent adjustment. Remember that the Hearing Examiner's rent adjustment decision is based on a preponderance of the evidence.
- Step 5:** Serve a copy on all parties and complete a "Proof of Service" to the Rent Program. An important part of the petition process is the requirement that a petitioner must complete and submit a "Proof of Service" along with the completed petition packet (forms, attachments and documentation). When submitting a Proof of Service, the petitioner is declaring under penalty of perjury that they will serve a copy of the petition that was submitted to the Rent Program to the other party.
- Step 6:** File an original copy by using the following methods:
- By Mail:** City of Richmond Rent Program, ATTN: Hearings Unit  
440 Civic Center Plaza, Suite 200, Richmond, CA 94804
- By Email:** Attn: Hearings Unit at [rent@ci.richmond.ca.us](mailto:rent@ci.richmond.ca.us)

# OVERVIEW OF COMPLETED PETITION PACKET

Complete Tenant Petition	Complete Landlord Petition
<p><b>1. Tenant Petition Packet</b></p> <p><b>2. Petition Attachment(s):</b></p> <ul style="list-style-type: none"><li>• <i>Attachment A</i> - Excess Rent for charges above the MAR;</li><li>• <i>Attachment B</i> - Decrease in Space, services, and/or habitability;</li><li>• <i>Attachment C</i> - Reduction in the number of tenants allowed</li></ul> <p><b>3. Proof of Service</b></p> <p><b>4. Supporting Documentation</b></p>	<p><b>1. Landlord Petition Packet for Individual Rent Adjustment</b></p> <p><b>2. Petition Attachment(s):</b></p> <ul style="list-style-type: none"><li>• <i>Attachment A</i> - Maintenance of Net Operating Income (MNOI);</li><li>• <i>Attachment B</i> - Increase in Number of Occupants;</li><li>• <i>Attachment C</i>: Increase in Space or Services</li><li>• <i>Attachment D</i>: Increase rent for Restoration of Denied Annual General Adjustments</li><li>• <i>Attachment E</i>: Increase in Security Deposit Due to Additional Pet(s)</li></ul> <p><b>3. Proof of Service</b></p> <p><b>4. Supporting Documentation</b></p>

# **OVERVIEW OF THE PETITION PROCESS**

# AFTER A PETITION IS FILED WITH THE RENT PROGRAM

- Once the petition is received and reviewed for completion the other party is given the opportunity to object to the petition within **twenty-one calendar (21) days of the mailing of the notice.**
- After the 21-day objection deadline is over, a Settlement Conference and Hearing Notice will be scheduled, and a hearing notice will be sent to all parties. Either party can request a continuance in writing.
- After the hearing, a decision is rendered which can be appealed by either party within **30 days (or 35 days if mailed)** of the decision.



# THE DAY OF THE HEARING

## **Part 1: Expectations & Preparations**

- Before the Hearing starts, each party must introduce themselves for the record. The Hearing Examiner may not discuss the case unless all parties are present. The Settlement Conference and Hearing can only proceed if all parties are participating unless there is a complete failure to appear by the Responding party, in which case the Hearing can still go forward. A failure to appear by the Petitioning party will generally result in a Dismissal of the Petition.

## **Part 2: Settlement**

- Each petition and the corresponding objections present openings for possible settlement motivation.

## **Part 3: Evidence**

- The parties may have submitted evidence with their Petition or Objections. Any other documentation (such as invoices, photographs, text messages) to be reviewed during the Hearing in the form of Exhibits (a document designated to support or contest a specific claim) must be provided electronically to the Rent Program and all parties no less than two (2) business days before the Hearing.

# THE DAY OF THE HEARING

## **Part 4: Cross-Examination**

- The Hearing Examiner may question each party present about their pre-filed testimony or evidence to better understand the parties' position in their case or ask questions to challenge their credibility or accuracy. Additionally, parties may ask probative questions about the other party's evidence or testimony.

## **Part 5: Rebuttal**

- At the Hearing Examiner's discretion, each party may have an opportunity to challenge the evidence presented by the other party. You may present evidence (texts, photos, documents etc.) in rebuttal to disprove or contest new evidence presented by the other side

## **Part 6: Closing Arguments**

- The Hearing Examiner will close the hearing and/or decide to keep the case open for further analysis to later decide how to continue. A written decision will be sent to all parties after the Hearing pursuant to Richmond Rent Board Regulation 837. The decision is likely to be sent between a few weeks, up to a few months after the Hearing.

# AFTER A PETITION IS COMPLETED: FILING AN APPEAL

- Any party may Appeal the Decision of the Richmond Rent Program Hearing Examiner within thirty-five (35) calendar days after the date of mailing of the Hearing Examiner's Decision. If appealed, the decision will be reviewed by a 5-member Rent Board who act as quasi judicial judges. The Board may affirm, reverse, or modify the decision of the Hearing Examiner.
- Filing a timely Appeal will hold the finality of the Hearing Examiner's decision.
- Filing a late Appeal is possible but the party must state the reason in writing and include it with your Appeal. The filing of an untimely Appeal does not stay any portion of the Hearing Examiner's Decision.
- After a timely appeal is filed the appellant and respondent are informed by the Rent Program of the requirement to appear and participate at the appeal hearing.
- Any party who wishes to appeal the Rent Board's decision, may seek judicial review by filing a Writ of Administrative Mandamus with the Superior Court within the jurisdiction.

# THANK YOU!

**Richmond Rent Program**

**510-234-RENT (7368)**

**[rent@ci.richmond.ca.us](mailto:rent@ci.richmond.ca.us)**

**Or**

**Visit us at:**

**[www.richmondrent.org](http://www.richmondrent.org)**