



REGULAR MEETING OF THE RENT BOARD OF THE CITY OF RICHMOND

AGENDA
Wednesday, July 20, 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/82418252159?pwd=Y0U4bkFjUFRmM0FOS05VU0RYWldlZz09>

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 +1 669 444 9171 or +1 346 248 7799 or +1 253 215 8782 or
+1 312 626 6799 or +1 646 558 8656 or +1 646 931 3860 or +1 301 715 8592

Step 2: Webinar ID: 824 1825 2159

Step 3: Enter the following passcode: 479521939

International numbers available: <https://us02web.zoom.us/j/82418252159>

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, July 20, 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 June 15, 2022, Regular Meeting of the Richmond Rent Board. | <i>Cynthia Shaw</i> |
| F-2. | APPROVE the minutes of the June 23, 2022, Special Meeting of the Richmond Rent Board. | <i>Cynthia Shaw</i> |
| F-3. | RECEIVE letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100. | <i>Cynthia Shaw</i> |
| F-4. | RECEIVE the Fiscal Year 2021-22 Monthly Activity Report through June 2022. | <i>Cynthia Shaw</i> |
| F-5. | RECEIVE the Rent Program FY 2021-22 Monthly Revenue and Expenditure Report through June 2022. | <i>Fred Tran</i> |
| F-6. | RECEIVE the Budgeted versus Actual Revenue and Expenditures Report for the fourth quarter ending June 30, 2022. | <i>Fred Tran</i> |
| F-7. | APPROVE late fee waiver(s) for June 2022 pursuant for Regulation 425. | <i>Nicolas Traylor</i> |

- F-8.** 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. RESOLUTIONS

- G-1.** DISCUSS and ADOPT Emergency Regulation 22-07, which would permit a Landlord, who filed a Maintenance of Net Operating Income petition during the Richmond Local Emergency but failed to pursue their petition, to request the Rent Board Order the Hearing Examiner to reconsider their previously filed petition.

*Nicolas Traylor
Charles Oshinuga*

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: July 20, 2022

Final Decision Date Deadline: July 20, 2022

STATEMENT OF THE ISSUE: The minutes of the June 15, 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 June 15, 2022, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-1.

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RICHMOND, CALIFORNIA, June 15, 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/87857326996?pwd=WXc2N0R4NzVISmpQdDdWSVV0aFB0QT09>
Password: rentboard

Or By Telephone:

US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or
+1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799
Webinar ID: 878 5732 6996

International numbers available:

<https://us02web.zoom.us/j/kCH8LVghe>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, June 15, 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, and Chair Finlay.

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

Absent: Vice Chair Mishek and Staff Attorney Palomar Sanchez.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

On a motion of Chair Finlay approve the Consent Calendar Items F-1 through F-5 and remove Items F-6 and F-7 from Consent Calendar for discussion before Item G-1 under Contracts. A friendly amendment made by Rent Board Clerk Cynthia Shaw to make a motion on the removal of Items F-5 and F-6 only and not to make a motion on approval of Consent Calendar since there were public speakers for Consent Calendar Items. Chair Finlay withdrew her motion.

A new motion by Board Member Conner, seconded by Board Member Vasilas to remove Item F-6 and F-7 from Consent Calendar for discussion before Item G-1 under Contracts, passed by the following vote: **Ayes:** Board Members Conner, Johnson, Vasilas, and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Mishek.

PUBLIC FORUM

Abby Sukarto expressed concerns about the MNOI filings. She mentioned she didn't realize that for the 2019 year, she had to file for 2020. She also said she had an unfortunate life event in 2020 and couldn't make the MNOI filing a priority because her partner was in the hospital and then passed away. She mentioned that for 2022, she would like to file a MNOI for expenses of up to \$60,000 on her rental property, which is currently under market rate. She also mentioned that she spent a lot of money on capital improvements. She stated when she spoke to a Rent Program Housing Counselor, she was told she would not be able to file based on the MNOI Regulation. She mentioned that she doesn't want to lose the ability to increase the rent based on the Capital Improvements she has made on the property. She also said she had capital improvements made in 2021 and couldn't file for that year because the base year has to be changed from the last MNOI base year filed. She would like the Board to consider changing the

current year to allow flexibility, at least up to three years for a landlord to file, and tenants receive the benefits of the delays.

Before calling the next public speaker, Chair Finlay asked if Ms. Sukarto could stay in the meeting to make another public comment under Item H-1 for Rent Board as a whole regarding the MNOI item. Ms. Sukarto agreed to stay in the meeting and address her concerns under that item. General Counsel Charles Oshinuga added that a public member could speak on any issues during Public Forum, whether on the agenda or not. He also stated if Ms. Sukarto wishes to stay and make her comment on the MNOI item again, it's okay if she wants. He also added that Item H-1 is not a hearing. Chair Finlay stated that Ms. Sukarto would be allowed to comment again under Item H-1.

Cordell Hindler restated his comments from the May meeting about Consent Calendar Item F-5 regarding City legislative bodies continuing to meet via videoconference and teleconference. He mentioned that he researched other cities, and they have been conducting hybrid meetings for months with success. He feels holding hybrid meetings would be beneficial because other cities have implemented and feels the Rent Board should do the same. He added the public could come into the chambers and other members of the public could be called into the meeting. He feels it would be easier. Cordell invited the Board to attend the El Cerrito Chamber of Commerce Luncheon on June 22nd, held at El Mono Restaurant in El Cerrito. He hoped the Rent Board would consider a hybrid method for meetings to get more participation from the community.

Iлона Clark reiterated her point regarding the economic incentives that the Rent Board staff must increase the Rent Control budget and justify it on paper. She added that it speaks to the amount of salary they can justify for themselves, the number of people they can hire, and the burden put on the future of Richmond's economic health and consider people who are not needed and hired for services that are duplicate. She added that it would become clear with her future comments about the items in the meeting.

RENT BOARD CONSENT CALENDAR

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

*F-1. Approve the minutes of the May 18, 2022, Regular Meeting of the Richmond Rent Board.

*F-2. Approve the minutes of the May 31, 2022, Special Meeting of the Richmond Rent Board.

*F-3. Receive the Fiscal Year 2021-22 Monthly Activity Report through May 2022.

*F-4. Receive the Rent Program FY 2021-22 Monthly Revenue and Expenditure Report through May 2022.

*F-5. Approve a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that 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.

CONTRACT

F-6. The matter to approve contract for interpretation services with Interpreters Unlimited with a payment limit not to exceed \$8,000 for Fiscal Year 2022-23 (July 1, 2022 – June 30, 2023) was requested to be removed from Consent Calendar by Board Member Conner. Board Member Conner requested that this item be removed from Consent Calendar because she was concerned about the costs associated with translation services and would like clarification about why we need two separate contracts for this service. She also would like Executive Director Nicolas Traylor to clarify the fiscal impact of the different contracts. Executive Director Nicolas Traylor responded that we have separate interpretation and translation contracts for different purposes. He stated the Spanish Group has ongoing written translation services, upon requests from staff, for workshops, outreach materials, hearings decisions, settlement agreements, letters, or any documentation that requires written language translation. Interpreters Unlimited provides verbal interpretation services for hearings, appeals, and community workshops in over 100 languages via zoom, person, or telephone. They provide a

more comprehensive service in terms of the ability to secure an interpreter for a petition hearing, appeal, or any other type of event that may require an interpreter for an extended time. He also said that we would need a secured connection with hearings and appeals, and they provide those services. He stated the costs with translation services provided by the city, ULG, and they provide a type of on-demand verbal interpretations service used mainly for tenant and landlord counseling sessions. We decided it was important to have a reliable service for hearings and appeals to avoid dropping the call. They only accept inbound calls, and the interpreters were not allowed to call back. Their services are minimal, and they are unable to fulfill our needs. The Spanish Group is used for written translations, Interpreters Unlimited is used for scheduled verbal translation, and ULG is used when verbal interpretations are needed for counseling. The following individual gave public comment: Ilona Clark. Discussion ensued. A motion by Board Member Johnson, seconded by Chair Finlay, to approve the contract for interpretation services with Interpreters Unlimited with a payment limit not to exceed \$8,000 for Fiscal Year 2022-23 (July 1, 2022 – June 30, 2023), passed by the following vote: **Ayes:** Board Members Conner, Johnson, Vasilas, and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Mishek.

F-7. The matter to approve a contract for translation services with The Spanish Group, LLC in an amount not to exceed \$6,000 for the Fiscal Year 2022-23 (July 1, 2022-June 30, 2023) was requested to be removed from the Consent Calendar by Board member Conner because she would like clarification of the difference between the two contracts for interpretation and translation services (Items F-6 and Item F-7) and would like to know the costs associated with this contract. The following individual gave public comment: Ilona Clark. A comment by Board Member Vasilas asked if it would be too much to ask our bilingual staff to provide interpretation and translation services, or do we need to have a specific type of service? Executive Director Nicolas Traylor responded that our staff does not have the bandwidth to handle the amount of translation that would be required. He added that staff is certified to provide bilingual interpretation but not certified to provide written translations. Staff work is limited to providing translation primarily in Spanish in their counseling sessions. He also added that the amount of material we provide is very significant, and staff would not have the bandwidth for that task. Board Member Conner also

commented that she is curious about the cost associated with this contract because she didn't see it as an attachment to the item and would like additional information about it. Rent Board Clerk Cynthia Shaw mentioned that since this contract was an Amendment, the original RFP was not included as an attachment. She will research the hourly cost information for this service and report back before the end of the meeting. Board Member Conner agreed to move the item because she would like to get a better idea of what is being spent. A motion by Board Member Conner, seconded by Board Member Vasilas to move Item F-7 from Contracts for further discussion under Item I for Reports of Officers, passed by the following vote: **Ayes:** Board Members Conner, Johnson, Vasilas, and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Mishek.

G-1. The matter to approve an amendment to the contract for community legal services with the Eviction Defense Center, increasing the contract amount by \$125,000 for Fiscal Year 2022-23, to a total not to exceed \$581,244, and modifying the term to commence on July 1, 2022, through June 30, 2023, was presented by Eviction Defense Executive Director Anne Omura. The presentation included information about the scope of services they provided the Richmond Community during the Fiscal Year 2021-2022. Discussion ensued. The following individual gave a comment: Ilona Clark.

A motion by Chair Finlay to approve an amendment to the contract for community legal services with the Eviction Defense Center, increasing the contract amount by \$125,000 for Fiscal Year 2022-23, to a total not to exceed \$581,244, and modifying the term to commence on July 1, 2022, through June 30, 2023.

Board Member Conner made a friendly amendment to consider this contract alongside the Bay Area Legal Aid contract at the July 20, 2022, Rent Board meeting to compare contracts and services. Before responding to the amendment, Chair Finlay asked staff what the ramifications are if the Contract Item is moved for discussion at the next month's Board meeting to address Board Member Conner's concerns. General Counsel Charles Oshinuga responded that the friendly amendment made by Board Member Conner would be considered a substitute motion, Chair Finlay could withdraw her motion, and Board Member Conner could make a new motion because that motion was amending the current one. He also mentioned that one of the consequences would be that

EDC would not be funded for the first month or two, and they would not be obliged to provide any services while they are not being funded. He also added that he is unsure about the procurement side and how it would impact the contract if it would need to be renewed because it expired prior to the extension or if it could still extend it.

After discussion and comments among staff and Board Members, Board Member Conner mentioned that her motion was not a friendly amendment. It was a substitute motion, and she withdrew her motion.

After hearing comments from Board Members and Staff, Chair Finlay left her motion as is and asked for a second to her motion. Motion seconded by Board Member Johnson to approve an amendment to the contract for community legal services with the Eviction Defense Center, increasing the contract amount by \$125,000 for Fiscal Year 2022-23, to not exceed \$581,244, and modifying the term to commence on July 1, 2022, through June 30, 2023, passed by the following vote: **Ayes:** Board Members Johnson, Vasilas, and Chair Finlay. **Noes:** None. **Abstentions:** Board Member Conner. **Absent:** Vice Chair Mishek.

RENT BOARD AS A WHOLE

H-1. The matter to direct staff to grant an exception to the MNOI application time restrictions for Raymond "Jimmy" Smith, allowing him to reapply for a MNOI petition for current year, including the specific capital expenditures from the prior year on was presented by Board Member Vasilas. Board Member Vasilas gave a summary of the situation. He mentioned that he was contacted by Mr. Smith about his MNOI petition for capital improvements being denied because the filing was not during the year the work was performed. He was denied filing the petition and the right to any rent increases on his units. Board Member Vasilas's concern is that during that time, there was a lot of disruption in the City and all the services, and he feels we provided a lot of exceptions for tenants during that time and feels this is a good example for the Board's authority to be used for the right purpose, allowing him to reapply and go through the process. The following individuals gave comments: Jimmy Smith, Richard Alexander, Ilona Clark, and Abby Sukarto. Discussion ensued. Chair Finlay made a motion directing staff to return to the Board with a study session item for a possible revision of the regulation. A friendly amendment by Board Member Vasilas to make an

exception to Mr. Smith's request for filing the MNOI petition. General Counsel Charles Oshinuga added that the motion would be considered a substitute motion, not a friendly amendment. Chair Finlay did not accept his substitute motion. General Counsel Charles Oshinuga clarified to Chair Finlay that for a friendly amendment the maker of the motion has the discretion to accept or reject the friendly amendment. But for substitute motions, any Board Member can make a substitute motion, and no one can reject or accept it. Once the substitute motion is made, that motion takes precedence.

Board Member Vasilas made a substitute motion directing staff to grant an exception to the MNOI petition time restrictions for Ray "Jimmy" Smith, allowing him to reapply for the MNOI petition this current year and incorporating his specific capital expenditures accrued from years prior on the subject building and staff schedule a study session with the Board to revisit the MNOI Regulation and to understand the possible issues and find ways to make this process better for everyone.

Board Member Conner requested clarification prior to the second motion. She wanted to know if we take this action that Board Member Vasilas is proposing that we are not putting ourselves in a position of legal exposure or creating a situation where this petition can't be resolved because of other regulations that may impact the analysis. She was concerned that if we make the exception, this petition may still be denied.

General Counsel Charles Oshinuga responded that the exception would make the exception not just one part of the regulations; it would make exceptions to several parts of the regulations. He mentioned that we don't have a working rule in place and wasn't sure how it would play out. Including costs from years prior to current year might be problematic, and we should understand how MNOI works prior to making any exceptions or revisions. We could schedule a special meeting relatively soon if time is of the essence. Board Member Vasilas said he would feel better if we could meet sooner instead of dragging this issue meeting after meeting. Discussions among Board Members and staff regarding a date for a Special Meeting.

Rent Board Clerk Cynthia Shaw polled Board Members present for their availability for a Special Meeting to be held on Thursday, June 23, 2022, at 5:00 PM. Mrs. Shaw agreed to reach out to Vice Chair Mishek to ask about her availability.

All Board Members present agreed to hold a special meeting on Thursday, June 23 at 5:00 PM.

Board Member Vasilas withdrew his substitute motion. Chair Finlay made a motion that the Board will hold a Special Meeting on Thursday, June 23, 2022, at 5:00 PM to receive training on MNOI and discussion regarding amending the MNOI Regulation.

A friendly amendment to include an exception to grant the MNOI petition time restrictions for Ray “Jimmy” Smith, allowing him to reapply for the MNOI petition as an action item at the Special Meeting held on June 23.

Chair Finlay did not accept the friendly amendment but amended her motion to include the Special Meeting date, Thursday, June 23, 2022, at 5:00 PM. Motion seconded by Board Member Johnson, passed by the following vote: **Ayes:** Board Members Conner, Johnson, Vasilas, and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Mishek.

F-7. The matter to approve contract for translation services with The Spanish Group, LLC in an amount not to exceed \$6,000 for the Fiscal Year 2022-23 (July 1, 2022-June 30, 2023) was requested to be moved by Board Member Conner. She requested to move this item for further discussion before Reports of Office because she wanted to know the hourly cost associated with the contract. Executive Director presented the rates page from the RFP to show that the costs are based on the price per word, not per hour. A motion by Board Member Conner, seconded by Board Member Johnson, to approve the contract for translation services with The Spanish Group, LLC in an amount not to exceed \$6,000 for the Fiscal Year 2022-23 (July 1, 2022-June 30, 2023), passed by the following vote: **Ayes:** Board Members Conner, Johnson, Vasilas, and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** Vice Chair Mishek.

REPORTS OF OFFICERS

Executive Director Nicolas Traylor gave a brief report about the upcoming pre-recorded workshop on July 29, 2022, titled “How to Increase Rents Richmond.” He mentioned that this workshop is Landlords oriented to include a discussion on the Annual General Adjustments and MNOI.

ADJOURNMENT

There being no further business, the meeting adjourned at
7:33 P.M.

Cynthia Shaw
Staff Clerk

(SEAL)

Approved:

Virginia Finlay, Rent Board Chair

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: July 20, 2022

Final Decision Date Deadline: July 20, 2022

STATEMENT OF THE ISSUE: The minutes of the June 23, 2022, Special 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 June 23, 2022, Special Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-2.

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RICHMOND, CALIFORNIA, June 23, 2022

The Special Meeting of the Richmond Rent Board was called to order at 5:00 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/86048493067?pwd=SmR5ZitDSFgzSIBybUVackJ4dS9CZz09>
Password: rentboard

Or By Telephone:

US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or
+1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799
Webinar ID: 860 4849 3067

International numbers available:

<https://us02web.zoom.us/j/kcvk551V9c>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Thursday, June 23, 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: Staff Attorney Palomar Sanchez. (*Present as of 5:06 PM*)

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

None.

PUBLIC FORUM

None.

STUDY SESSION

F-1. The matter is to receive a presentation and study on Maintenance of Net Operating Income and provide staff direction on possible amendments to the Rent Board Regulation 905 was presented by General Counsel Charles Oshinuga. The presentation included the background, information about the Rent Ordinance and how it codifies the right to a Fair Return, information on how Landlords are Entitled to a Fair Return, Selection of a “Fair Return”, an overview of the MNOI which included the MNOI rationale, selection of the Base Year, the Annual General Adjustment (AGA), Net Operating Income (NOI) Calculation, and Calculating the Fair Net Operating Income (NOI), A Basic Example of Calculation which included MNOI example calculations, definition of “Operating Expenses”, illustration of a fair return using the MNOI Standard, and Comparing 2015 NOI to 2020 NOI, adjustment of Base Year NOI, and what if Rents weren’t based on General Market Conditions, exceptional circumstances in the Base Year which included, factors considered in the determination of proportionally low Base Rents, Base Year Rent adjustments, and an example calculation, what of I do not have Base Year information, projection of Base Year Operating Expenses in the absence of actual data, how do Capital Improvements impact MNOI, Capital Improvements and Amortization, anticipated Capital Improvements, and Capital Improvements and Vacancy.

Rent Board Clerk informed Chair Finlay that a public speaker on the list had to leave by 6:30 PM and asked to speak before that

time. Chair Finlay granted the speaker Elizabeth Koller to speak after the five-minute break.

The Board discussed taking a five-minute informal break during the presentation to adjourn at 6:11 and reconvene at 6:16, which 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.

The following individuals gave public comments: Elizabeth Koller, Jimmy Smith, Tuan Ngo and Ilona Clark. Discussion ensued.

A motion by Board Member Conner directing staff to draft a COVID-related exception to the MNOI petition process and to allow a petitioner who have already filed a petition during COVID and did not have a decision made be granted additional time to complete their application. General Counsel Charles Oshinuga recommended including due diligence or good cause standard in the motion to determine by the Board, not by Staff.

Vice Chair Mishek made a friendly amendment to Board Member Conner's motion to include a due diligence standard and to be determined by the Board at a later date. Board Member Conner accepted the friendly amendment. Motion seconded by Board Member Vasilas and passed by the following vote: **Ayes:** Board Members Conner, Johnson, and Vasilas. **Noes:** Vice Chair Mishek and Chair Finlay. **Abstentions:** None. **Absent:** None.

REPORTS OF OFFICERS

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:59 P.M.

Cynthia Shaw
Staff Clerk

(SEAL)

Approved:

Virginia Finlay, Rent Board Chair

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: July 20, 2022

Final Decision Date Deadline: July 20, 2022

STATEMENT OF THE ISSUE: Members of the community have sent letters to the Rent Board and Rent Program staff members. Staff members recommend letters that do not pertain to a specific item on the Rent Board agenda be included as consent items for consideration by the Rent Board.

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> | |

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|---|--|--|
| <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 letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100 – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-3.

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Cynthia Shaw

From: Doss & Felix <doss_felix@yahoo.com>
Sent: Wednesday, June 22, 2022 12:20 PM
To: Cynthia Shaw; vfinlay@richmondrent.org; smishek@richmondrent.org; aconner@richmondrent.org; cjohnson@richmondrent.org; mvasilas@richmondrent.org
Subject: Our MNOI experiences

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

Hello Rent Board Members

Thank you for an opportunity to relay our MNOI experience. RC 18-003 and RC 20-2022

In the beginning at the original Richmond Rent Program meetings, Nick Traylor publicly made promises as to how the Historically Low Rents section of the new rent rules would protect many of us mom and pop housing providers who had failed to keep up with the market and the rent increases. He said allowances would be made. He told a large group of us that he understood our position. He said he had our backs and the system would soon be in place to make it all fair. He was great at appearing trustworthy. Fast forward 2 years - none of that happened. HLR packet was never written. Our only path forward was MNOI.

MNOI forms/process are a barrier to the average mom and pop housing provider.

My husband and I are both math people. We are not normally intimidated by forms nor figures. Our books balance. My husband, Ray Felix, was the primary person in collecting the data and filling out the MNOI forms. The packet is not straight forward. He provided real numbers from our actual tax returns. Our calculations were/are real and accurate. $5 - 3 = 2$ every time. I proofed his work and agreed with his reasoning. We agreed the form was unnecessarily difficult and subject to interpretation.

As we understood, we were the very first MNOI applicants in Richmond to get to the level of having a packet submitted and accepted. That said, what happened during that process was troubling. Over many frustrating weeks, my husband had filled out our packet in pencil in case we were incorrect in our interpretation of the questions. It was a draft. We went for what we thought was a consultation appointment with Cynthia Shaw. She went line-by-line with us. She kept leaving her desk and running back to ask "him/he" (We later found out that the man behind the curtain that day was Mr. Paul Cohen). Ms. Shaw would bring our application back to her desk with new numbers. This happened so many times at that meeting; we had no idea where our actual numbers went. We were told, "this is what he wants". Ms. Shaw did not seem to understand the process; she was following Mr. Cohen's orders. "This is how it has to be". Once they had this (new and improved) set of numbers, Ms. Shaw announced "You're done!". She made us a copy and sent us home. Unfortunately we had not made a copy of our draft before it was altered by staff. We were a bit shocked. They took this altered pencil "document".

Mr. Cohen sent a ruling based on numbers we no longer recognized. We felt like he picked a new rent he thought both parties might accept without regard to reality. One tenant of four disagreed. We disagreed. We met for a mediation. No meaningful resolution happened there. Mr. Cohen asked us to get a retroactive rent appraisal* (back to 2015). He gave us a list of approved appraisers. We did this. (* These rents were derived from properties sold where landlords were cutting losses with looming rent control. This was not fair market value). Mr. Cohen then proceeded to throw away the numbers generated by the appraiser he sent us to, because they were too high to fit his calculation. We decided to go forward with the Board Hearing. Meanwhile, Charles Oshinuga looked the

ITEM F-3

documents over and came up with a new number. It was a higher number in our favor, but still did not reflect any facts that seemed remotely reasonable. The Board decided to accept the attorney's number and recommendation. When we received the ruling in written form, I noticed that there were simple math errors in the final calculations. I pointed it out to Nick Traylor. He said "Get a lawyer. A final ruling is final." He had whispered to one of our friends at the hearing that he didn't know why we hadn't lawyered up already. We had trusted the system. We had trusted his words. Hearing that was a knife in the back thrust by Nick Traylor.

We had more losses due to the costs of maintaining the property and filed a second MNOI. This time Mr. Cohen threw out \$5000 of expenses because he didn't like the format of the repairman's invoice. He wanted separate invoices for each item. We did not fight this because it felt pointless.

If English speaking, math brained, citizens with advanced degrees in science cannot feel secure in this system, it needs changed. It is an unfair hurdle. Actually, it is more of a wall. The line items on the MNOI form should reflect line items from federal and state tax returns. There is no reason to turn the numbers inside out just to confuse the landlord and make them feel helpless.

Please note: The MNOI process was worrisome and annoying to the tenants. 3 of the 4 long term tenants from that period have chosen to leave since the MNOI times. We have offered the units to our young adult children and withdrawn them from the rental market. The response we had from RRP, Moises Serano was:

Thank you for submitting your Request for an Administrative Determination that the Rent Ordinance is not Applicable because a unit is Rent Free or Not Available for Rent. Please accept this message as a confirmation of receipt. Your **submission has been placed in our queue list.**

Please note that since we have a long submission list it may take a while before we get to your submission. The status of the unit has been changed to under review in our system that way you are not assessed any fees by us for that unit as you wait for your submission to be reviewed .

So, Dear Rent Board, the system is failing to protect the tenants and the housing providers. Both groups are leaving or pulling units off the roles. MNOI is a unnecessarily cumbersome, confusing, subjective, and likely prejudiced. The line items should be a simple transfer from federal and state tax forms. There should be no place for a man behind the curtain.

Thank you for all you do.

Respectfully,

Jerrilee Doss (and Raymond Felix)

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: July 20, 2022

Final Decision Date Deadline: July 20, 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> | |

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

AGENDA ITEM NO:

F-4.

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**Rent Program
FY2021-22 Monthly Activity Report**

ITEM F-4

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1		Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	
2		MTD ACTUAL	YTD TOTAL											
3	Public Information & Enrollment Unit													
5	Rent/Eviction Counseling Appointments By Phone	209	208	160	168	140	140	137	214	232	144	185	137	2,074
6	Rent/Eviction Counseling Appointments By Walk-ins	71	102	65	68	105	51	71	-	4	1	4	2	544
7	Rent/Eviction Counseling Questions Addressed By Email	212	176	89	163	104	68	209	240	224	151	147	126	1,909
8	TOTAL RENT/EVICTION COUNSELING APPOINTMENTS	492	486	314	399	349	259	417	454	460	296	336	265	4,527
9	Rent/Eviction Counseling Sessions Conducted in Spanish	45	55	52	42	35	30	44	38	60	24	35	31	491
10	Rent/Eviction Counseling Sessions Conducted in Mandarin	-	-	-	-	-	-	-	-	-	-	-	-	-
11	Rent/Eviction Counseling Sessions Conducted in Cantonese	-	-	-	-	-	-	-	1	-	3	-	-	4
12	Rent/Eviction Counseling Sessions Conducted in Another Language	-	-	-	-	-	-	-	-	-	-	-	-	-
13	TOTAL RENT/EVICTION COUNSELING APPOINTMENTS IN A LANGUAGE OTHER THAN ENGLISH	45	55	52	42	35	30	44	39	60	27	35	31	495
14	Legal Service Referrals	15	18	8	25	18	39	23	26	44	24	27	34	301
17	Mediations Conducted	2	-	-	-	-	3	3	1	5	4	6	-	24
18	Assists from Front Office Staff	266	133	-	35	70	203	238	274	10	8	32	27	1,296
19	Courtesy Compliance Letters Sent	15	-	4	25	24	24	8	198	72	35	27	104	536
20	Community Workshop Attendees	1	-	32	37	-	-	-	-	-	-	-	-	70
21	Hard Copy Rent Increase Notices Processed	7	27	12	32	53	98	16	21	7	14	14	7	308
22	Hard Copy Termination of Tenancy Notices Processed	5	46	9	8	2	7	8	3	11	13	6	11	129
24		12	73	21	40	55	105	24	24	18	27	20	18	437
25	Billing/Enrollment/Registration Counseling Appointments In-Person	7	4	-	2	3	-	-	-	2	-	-	-	18
26	Billing/Enrollment/Registration Counseling Appointments By Phone	83	68	51	24	24	41	38	21	23	19	15	13	420
27	Billing/Enrollment/Registration Counseling Questions Addressed By Email	131	49	29	14	35	33	29	38	41	58	46	32	535
28	TOTAL BILLING/ENROLLMENT/REGISTRATION COUNSELING APPOINTMENTS	214	117	80	38	59	74	67	59	64	77	61	45	955
29	Enrollment/Tenancy Registration Packets Mailed	77	5	32	1	7	-	82	3	41	27	82	41	316
30	Enrollment Forms Processed	31	12	10	44	20	21	9	20	16	10	49	59	301
31	Rental Housing Fee Invoices Generated	4,729	124	78	8	40	130	4	2	12	-	18	3	5,148
32	Checks Processed	881	650	29	39	27	13	13	6	11	1	2	-	1,672
33	Checks Returned	2	2	4	22	15	-	-	-	1	-	-	1	47
34	Tenancy Registrations Received	-	-	-	-	-	-	-	-	172	16	14	8	210
35	Rental Units Discovered Not in Database	1	3	2	3	1	10	1	5	5	-	2	-	33
36	Property Information Updated	153	58	21	14	54	117	46	110	210	124	151	202	1,260
37	Compliance Actions (Reviewing Records, Exemption Statuses, Addresses)	-	-	-	258	31	14	7	15	4	5	16	26	376
38	Applications for Administrative Determination of Exempt/Inapplicable Status Received	8	5	-	2	-	1	4	3	4	-	5	5	37
39	Administrative Determination of Exempt/Inapplicable Status Issued	-	1	-	6	10	2	-	-	-	-	3	-	22
40	Declarations of Exemption Processed	4	12	-	6	4	2	-	9	9	-	6	-	52
41	LEGAL UNIT													
42	Public Records Act Requests Received	1	1	2	4	-	-	2	-	2	-	3	-	15
43	Owner Move-In Eviction Termination of Tenancy Notices Reviewed	-	-	1	1	-	-	-	-	-	1	-	-	3
44	Withdrawal from the Rental Market (Ellis Act) Termination of Tenancy Notices Reviewed	2	-	1	-	1	1	-	1	1	1	-	2	10
45	Substantial Repairs Termination of Tenancy Notices Reviewed	-	-	-	-	-	1	-	-	-	-	-	-	1
46	Appeal Hearings Held	-	-	-	-	-	1	-	-	-	-	-	-	1
47	HEARINGS UNIT													
50	Consultations with Hearings Unit Coordinator By Phone	3	6	3	2	10	15	15	13	28	4	9	26	134
51	Hearings-Related Questions Addressed by Email	17	12	20	26	31	51	69	79	91	53	64	65	578
52	TOTAL HEARINGS-RELATED CONSULTATIONS	20	18	23	28	41	66	84	92	119	57	73	91	712
53	MNOI Petitions Received (Attachment A)	-	-	-	-	-	-	-	-	-	-	-	-	-
54	Increase in Occupants Petitions Received (Attachment B)	-	-	-	-	-	-	-	-	-	-	-	1	1
55	Increase in Space or Services Petitions Received (Attachment C)	-	-	-	-	-	-	-	-	-	-	1	2	3
56	Restoration of Denied AGA Petitions Received (Attachment D)	-	-	-	-	-	-	-	-	-	-	-	-	-
57	Landlord Individual Rent Adjustment Petitions Received	1	2	-	-	-	-	-	-	-	-	1	2	6
58	Landlord Petition to Determine Exempt Status Received	-	-	-	-	-	-	-	-	-	-	-	-	-
59	TOTAL LANDLORD PETITIONS RECEIVED	1	2	-	2	5	10							
60	Excess Rent or Failure to Return Sec Dep Petitions Received (Attachment A)	-	2	-	1	1	1	-	-	-	1	-	1	7
61	Decrease in Space/Services or Habitability Petitions Received (Attachment B)	3	-	-	1	2	3	3	2	2	-	2	-	18
62	Reduction in Number of Tenants Petitions Received (Attachment C)	-	-	-	-	-	-	-	-	-	-	-	-	-
63	Tenant Petition Based on Multiple Grounds	-	-	-	-	-	1	1	1	5	1	-	1	10
64	Tenant Petition for Rent Withholding Petitions Received	-	-	-	-	-	-	-	-	-	-	-	-	-
65	Tenant Petition for Failure to Pay Relocation Payment Petitions Received	-	-	-	2	-	4	-	-	-	1	-	-	7
66	TOTAL TENANT PETITIONS RECEIVED	-	5	-	4	3	9	4	3	7	3	2	2	42

**Rent Program
FY2021-22 Monthly Activity Report**

ITEM F-4

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1		Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	
2		MTD ACTUAL	YTD TOTAL											
67	Petition for Determination of Occupancy Status	-	-	-	-	-	-	-	-	-	-	-	-	-
68	Petition for Initial Rent Determination	-	-	-	-	-	-	-	-	-	-	-	-	-
69	Request to Expedite Hearing Process	-	-	-	-	-	-	-	-	-	-	-	-	-
70	Request for a Continuance of the Hearing Process	-	-	-	-	1	-	-	2	4	2	3	-	12
71	Subpoena(s)	-	-	-	-	-	-	-	-	-	-	-	-	-
72	TOTAL OTHER PETITIONS RECEIVED	-	-	-	-	1	-	-	2	4	2	3	-	12
73	Decisions Ordered	1	-	-	-	-	-	2	2	1	-	1	1	8
74	Cases Settled	-	-	-	-	1	1	-	5	3	2	-	3	15
75	Cases Dismissed	1	2	-	-	-	-	2	-	-	-	2	3	10
76	Petitions Withdrawn	2	1	2	1	-	2	2	1	-	-	-	-	11
77	TOTAL CASES CLOSED	4	3	2	1	1	3	6	8	4	2	3	7	44
78	Appeals Received	-	1	-	-	-	-	-	-	-	2	-	-	3
79	Total Open Cases (Tenant Petitions)	2	3	6	10	14	18	18	15	13	14	8	5	126
80	Total Open Cases (Landlord Petitions)	2	3	1	1	1	1	12	11	10	11	14	14	81
81	Total Open Cases (Other Petitions)	-	-	-	2	3	-	-	-	-	-	-	-	5
82	TOTAL OPEN CASES	4	6	7	13	18	19	30	26	23	25	22	19	212
83	Form Submissions													
84	Agent Authorization	-	-	-	-	1	-	-	-	1	1	-	-	3
85	Proof of Excess Rent Refund	-	-	-	-	-	-	-	-	16	-	-	-	16
86	Proof of Permanent Relocation Payment	-	-	1	2	-	1	1	2	1	1	-	1	10
87	Proof of Temporary Relocation Payment	-	-	-	-	-	-	-	-	-	-	-	-	-
88	Change in Terms of Tenancy	1	-	2	2	-	1	1	-	8	9	25	-	49
89	TOTAL RENT INCREASE NOTICES FILED	69	69	79	4	212	2	106	2	26	11	32	34	646
90	Termination of Tenancy - Nonpayment of Rent	1	12	31	39	17	24	9	26	35	102	61	61	418
91	Termination of Tenancy - Breach of Lease	3	3	10	10	7	2	6	3	17	13	5	13	92
92	Termination of Tenancy - Failure to Give Access	-	-	-	-	-	-	-	-	-	-	-	2	2
93	Termination of Tenancy - Nuisance	-	2	2	1	-	1	-	-	-	5	2	3	16
94	Termination of Tenancy - Withdrawal from the Rental Market	2	-	1	-	1	-	-	1	-	4	-	1	10
95	Termination of Tenancy - Owner Move-In	-	-	-	4	-	1	-	-	-	3	-	-	8
96	Termination of Tenancy - Substantial Repairs	-	-	-	-	-	-	-	-	-	-	-	-	-
97	Termination of Tenancy - Temporary Tenancy	-	-	2	-	-	1	-	-	-	-	-	-	3
98	TOTAL TERMINATION OF TENANCY NOTICES FILED	6	17	46	54	25	29	15	30	52	127	68	80	549

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: July 20, 2022

Final Decision Date Deadline: July 20, 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> | |

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|---|--|--|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) | | |
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| <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 June 2022 – Rent Program (Fred Tran 620-6537).

AGENDA ITEM NO:

F-5.

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RICHMOND RENT PROGRAM
MONTHLY REVENUE AND EXPENDITURES REPORT
FISCAL YEAR 2021-22

ITEM F-5

OBJECT	ORIGINAL BUDGET	ADOPTED BUDGET	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6	Period 7	Period 8	Period 9	Period 10	Period 11	Period 12	ENCUMBRANCES	YTD TOTAL	AVAILABLE BUDGET	% USED
			July	August	September	October	November	December	January	February	March	April	May	June				
340445 Rental Housing Fees	(2,893,854.00)	(2,893,854.00)	(691,167.85)	(662,750.30)	(536,446.55)	(86,825.20)	(49,226.30)	(94,505.60)	(38,778.65)	(30,572.50)	(35,080.10)	(51,372.80)	(21,098.00)	(34,604.80)	-	(2,332,428.65)	(561,425.35)	80.6%
TOTAL LICENSES, PERMITS&FEES	(2,893,854.00)	(2,893,854.00)	(691,167.85)	(662,750.30)	(536,446.55)	(86,825.20)	(49,226.30)	(94,505.60)	(38,778.65)	(30,572.50)	(35,080.10)	(51,372.80)	(21,098.00)	(34,604.80)	-	(2,332,428.65)	(561,425.35)	80.6%
361701 Interest	(14,460.00)	(14,460.00)	-	-	-	(838.30)	-	-	(912.08)	-	-	(1,124.08)	-	-	-	(2,874.46)	(11,585.54)	19.9%
361705 Realized Gain	-	-	-	-	-	(1,287.30)	-	-	(630.03)	-	-	173.25	-	-	-	(1,744.08)	(1,744.08)	100.0%
TOTAL INTEREST INCOME	(14,460.00)	(14,460.00)	-	-	-	(2,125.60)	-	-	(1,542.11)	-	-	(950.83)	-	-	(4,618.54)	(9,841.46)	31.9%	
364855 OTHER REV/Misc Other Re	-	-	-	-	-	-	-	-	-	-	-	-	-	(275.00)	-	(275.00)	(275.00)	100.0%
364867 Revenue From Collections Agency	(30,000.00)	(30,000.00)	-	-	(2,220.00)	-	-	-	-	(8,012.25)	(2,193.86)	-	(1,940.16)	-	-	(14,366.27)	(15,633.73)	47.9%
337373 Other Grants	(30,000.00)	(30,000.00)	-	-	-	-	-	(5,000.00)	-	-	-	-	-	(1,940.16)	-	(5,000.00)	(5,000.00)	100.0%
TOTAL OTHER REVENUE	(30,000.00)	(30,000.00)	-	-	(2,220.00)	-	-	(5,000.00)	(8,012.25)	(2,193.86)	-	(1,940.16)	(275.00)	(275.00)	(19,641.27)	(15,633.73)	65.5%	
TOTAL REVENUE	(2,938,314.00)	(2,938,314.00)	(691,167.85)	(662,750.30)	(538,666.55)	(88,950.80)	(49,226.30)	(99,505.60)	(48,333.01)	(32,766.36)	(35,080.10)	(52,323.63)	(23,038.16)	(34,879.80)	-	(2,356,688.46)	(581,625.54)	80.2%
400001 SALARIES & WAGES/Executive	677,048.00	677,048.00	45,597.34	49,595.08	57,704.02	57,704.02	57,704.02	57,704.02	58,915.50	58,309.76	58,309.76	58,309.76	58,309.76	58,309.76	-	676,462.80	585.20	99.9%
400002 SALARIES & WAGES/Mgmt-Local 21	323,312.00	323,312.00	11,836.06	11,836.06	11,836.06	11,836.06	11,836.06	11,836.06	11,836.06	11,836.06	12,590.60	14,547.60	13,345.14	14,707.88	-	147,007.88	176,304.12	45.3%
400003 SALARIES & WAGES/Local 1021	196,625.00	196,625.00	11,232.16	11,232.16	11,232.16	11,232.16	11,232.16	11,232.16	11,232.16	11,232.16	14,025.81	16,347.30	16,347.30	16,347.30	-	152,924.99	43,700.01	77.8%
400006 SALARIES & WAGES/PT- Temp	43,036.00	43,036.00	2,190.73	2,637.71	3,657.61	1,362.83	2,843.07	3,028.35	3,325.24	3,637.32	3,007.52	3,613.68	2,859.86	3,069.69	-	35,233.61	7,802.39	81.9%
400031 OVERTIME/General	-	-	642.96	708.11	(642.96)	-	-	-	-	-	-	542.47	542.47	-	-	1,793.05	(1,793.05)	100.0%
400048 OTHER PAY/Billingual Pay	10,237.00	10,237.00	350.00	944.92	944.92	651.96	651.96	651.96	651.96	651.96	651.96	667.05	706.20	682.14	-	7,909.53	2,327.47	77.3%
400049 OTHER PAY/Auto Allowance	4,200.00	4,200.00	-	350.00	700.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	-	4,200.00	-	100.0%
400050 OTHER PAY/Medical- In Lieu of	2,400.00	2,400.00	-	-	-	-	-	-	-	-	-	-	-	-	-	2,400.00	-	100.0%
400058 OTHER PAY/Bonuses	-	-	-	-	-	15,200.00	-	19,000.00	-	-	-	-	-	-	-	34,200.00	(34,200.00)	100.0%
TOTAL SALARIES AND WAGES	1,256,858.00	1,256,858.00	71,839.25	77,006.58	85,431.81	98,337.03	84,617.27	103,802.55	86,310.92	86,017.26	88,723.58	92,420.86	93,120.72	92,104.03	-	1,059,731.86	197,126.14	84.3%
400103 P-ROLL BEN/Medicare Tax-ER Shr	16,440.00	16,440.00	1,048.80	1,120.22	1,242.38	1,429.52	1,230.60	1,508.80	1,255.42	1,255.09	1,290.41	1,364.19	1,354.16	1,339.41	-	15,435.00	1,005.00	93.9%
400105 P-ROLL BEN/Health Insurance Be	173,441.00	173,441.00	10,603.12	12,723.87	12,723.87	12,723.87	12,723.87	13,343.24	13,343.24	13,343.24	15,577.17	16,436.37	16,436.37	18,121.93	-	168,100.16	5,340.84	96.9%
400106 P-ROLL BEN/Dental Insurance	17,520.00	17,520.00	973.60	1,095.30	1,095.30	1,095.30	1,095.30	1,095.30	1,095.30	1,095.30	1,217.00	1,217.00	1,217.00	1,217.00	-	13,508.70	4,011.30	77.1%
400109 P-ROLL BEN/Employee Assistance	528.00	528.00	29.12	32.76	32.76	32.76	32.76	13.77	13.77	13.77	15.30	15.30	15.30	15.30	-	243.68	284.32	46.2%
400110 P-ROLL BEN/Professional Dev-Mg	6,750.00	6,750.00	-	-	-	-	-	-	-	-	-	-	-	-	-	250.00	6,500.00	3.7%
400111 P-ROLL BEN/Vision	2,316.00	2,316.00	114.48	128.79	128.79	128.79	128.79	128.79	128.79	128.79	143.10	143.10	143.10	143.10	-	1,588.41	727.59	68.6%
400112 P-ROLL BEN/Life Insurance	4,163.00	4,163.00	237.90	282.70	282.70	284.43	284.43	284.43	276.63	281.43	281.43	281.43	281.43	281.43	-	3,335.57	827.43	80.1%
400114 P-ROLL BEN/Long Term Disabilit	12,342.00	12,342.00	627.20	718.42	728.03	728.03	728.03	728.03	427.23	427.23	454.08	462.00	462.00	462.00	-	6,952.28	5,389.72	56.3%
400116 P-ROLL BEN/Unemployment Ins	5,472.00	5,472.00	342.00	380.00	418.00	418.00	(106.95)	418.00	456.00	418.00	431.45	456.00	353.88	456.00	-	4,440.38	1,031.62	81.1%
400117 P-ROLL BEN/Personal/Prof Dev	2,250.00	2,250.00	-	-	-	-	-	-	-	-	-	1,140.09	-	-	-	1,140.09	1,109.91	50.7%
400118 P-ROLL BEN/Worker Comp-Injury Appt	359.00	359.00	-	-	-	-	-	-	-	-	-	-	-	-	-	359.00	-	0.0%
400121 P-ROLL BEN/Worker Comp-Clerica	9,878.00	9,878.00	591.20	626.20	706.05	624.02	642.27	656.77	680.02	704.46	655.14	932.52	1,103.40	1,119.84	-	9,041.89	836.11	91.5%
400122 P-ROLL BEN/Worker Comp-Prof	58,021.00	58,021.00	3,330.60	3,603.05	4,033.36	4,033.36	4,033.36	4,033.36	4,112.24	4,068.48	4,112.24	4,225.74	4,156.00	4,156.00	-	47,761.65	10,259.35	82.3%
400127 P-ROLL BEN/OPEB	49,094.00	49,094.00	2,894.91	3,088.49	3,354.52	3,312.88	3,312.88	3,312.88	3,362.57	3,337.72	3,452.30	3,578.47	3,658.74	3,609.42	-	40,275.78	8,818.22	82.0%
400130 P-ROLL BEN/PARS Benefits	94.00	94.00	3.44	34.34	30.48	36.97	39.36	43.22	47.28	39.09	39.09	46.98	37.18	39.90	-	398.24	(304.24)	423.7%
400149 P-ROLL BEN/PERS-Misc	157,301.00	157,301.00	9,280.54	9,896.10	10,745.73	10,609.58	10,609.58	10,609.58	10,767.44	10,688.52	11,052.53	11,455.30	11,715.39	11,555.58	-	128,985.87	28,315.13	82.0%
400151 P-ROLL BEN/PERS-Misc (UAL)	327,048.00	327,048.00	20,862.27	23,180.30	20,862.27	20,862.27	20,862.27	20,862.27	20,862.27	23,180.30	23,180.30	23,180.30	23,180.30	23,180.30	-	252,843.77	74,204.23	77.3%
TOTAL FRINGE BENEFITS	843,017.00	843,017.00	50,935.18	54,518.17	58,706.13	56,313.29	55,595.17	57,034.58	56,815.52	56,666.78	61,857.78	65,071.29	64,183.99	56,603.59	-	694,301.47	148,715.53	82.4%
400201 PROF SVCS/Professional Svcs	18,350.00	21,350.00	217.00	567.29	217.00	755.79	715.21	852.74	1,745.36	1,475.21	945.36	918.09	1,222.24	828.21	-	7,810.50	10,490.50	85.6%
400206 PROF SVCS/Legal Serv Cost	210,000.00	210,000.00	-	22,916.00	4,166.00	16,666.00	16,666.00	16,666.00	16,666.00	22,916.00	22,916.00	16,666.00	16,666.00	10,416.00	10,424.00	183,326.00	16,250.00	92.3%
400220 PROF SVCS/Info Tech Ser	-	2,205.00	-	-	-	-	-	-	-	-	-	-	-	-	-	2,205.00	-	100.0%
400245 TRAVEL & TRNG/Tuition Rmb/Cer	800.00	800.00	-	-	-	-	-	-	-	-	-	-	-	-	-	800.00	-	0.0%
400261 DUES & PUB/Memberships & Dues	1,650.00	1,650.00	-	-	-	-	-	153.82	1,042.88	-	-	-	239.88	-	-	1,436.58	213.42	87.1%
400271 AD & PROMO/Advertising&Promo	5,675.00	5,675.00	-	-	96.00	96.00	649.00	192.00	3,087.35	-	-	-	-	-	-	3,928.35	1,746.65	69.2%
400280 ADM EXP/Program Supplies	3,950.00	3,950.00	-	-	89.00	89.00	-	96.00	96.00	-	276.00	96.00	96.00	1,126.00	-	2,824.00	1,126.00	28.5%
TOTAL PROF & ADMIN SERVICES	240,425.00	245,630.00	217.00	23,483.29	4,568.00	17,606.79	18,222.21	17,768.56	22,637.59	24,487.21	24,817.36	17,680.09	18,224.12	13,449.21	18,234.50	202,481.43	24,914.07	89.9%
400231 OFF EXP/Postage & Mailing	22,647.00	22,647.00	892.42	100.34	9,258.27	79.61	105.43	158.19	3,288.98	3,288.98	338.75	268.13	241.11	249.87	5.06	14,981.10	7,666.84	66.2%
400232 OFF EXP/Printing & Binding	25,807.00	25,807.00	551.11	8.17	-	-	-	-	-	-	175.38	-	-	-	-	734.66	25,072.34	2.8%
400233 OFF EXP/Copying & Duplicating	500.00	500.00	-	-	-	-	-	-	-	-	-	-	-	-	-	500.00	-	0.0%
400304 RENTAL EXP/Equipment Rental	8,000.00	8,000.00	-	373.16														

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: July 20, 2022

Final Decision Date Deadline: July 20, 2022

STATEMENT OF THE ISSUE: As part of the Fiscal Year 2021-22 budget development process, management staff consulted with Kevin Harper, CPA, to implement a series of budgetary best practices for the Rent Program and Rent Board. As Kevin Harper advised in his March 12, 2020, memorandum, "a key element of an effective budget process is monitoring actual results against the budget throughout the year. This is done on a quarterly basis to allow management time to make adjustments if necessary to expenditures, policies or operations." In accordance with Kevin Harper's advice, staff members have prepared the report for the fourth quarter ending June 30, 2022, for the Board's receipt.

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 Budgeted versus Actual Revenue and Expenditures Report for the fourth quarter ending June 30, 2022 – Rent Program (Fred Tran 620-6537).

AGENDA ITEM NO:

F-6.

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**RICHMOND RENT PROGRAM
BUDGET VS ACTUAL REPORT - REVENUES AND EXPENDITURES
QUARTER ENDED JUNE 30, 2022**

	QUARTER ENDED 6/30/2022			YEAR-TO-DATE 6/30/2022			VARIANCE EXPLANATION (a)
	BUDGET	ACTUAL	VARIANCE	BUDGET	ACTUAL	VARIANCE	
REVENUES							
Fees (includes revenue from collections agency)	\$ (144,693)	\$ (107,076)	\$ 37,617	\$ (2,893,854)	\$ (2,332,429)	\$ 561,425	Owners not receiving rent during the pandemic are delaying invoice payments
Other Income	(11,115)	(3,166)	7,949	(44,460)	(24,260)	20,200	Collections effort - Public Information and Enrollment with General Counsel
TOTAL REVENUES	(155,808)	(110,242)	45,566	(2,938,314)	(2,356,688)	581,625	
EXPENDITURES							
Salaries & Wages							
SALARIES & WAGES/Executive	169,262	174,929	(5,667)	677,048	676,463	585	
SALARIES & WAGES/Mgmt.-Local 21	80,828	40,483	40,345	323,312	147,008	176,304	Vacant Housing Counselors position - 2 Analysts
SALARIES & WAGES/Local 1021	49,156	49,042	114	196,625	152,925	43,700	Vacant Administrative Aide position for half the year
SALARIES & WAGES/PT- Temp	10,759	9,543	1,216	43,036	35,234	7,802	
OVERTIME/General	-	542	(542)	-	1,793	(1,793)	
OTHER PAY/Bilingual Pay	2,559	2,055	504	10,237	7,910	2,327	
OTHER PAY/Auto Allowance	1,050	1,050	-	4,200	4,200	-	
OTHER PAY/Medical- in Lieu of	600	-	600	2,400	-	2,400	
OTHER PAY/Bonuses	-	-	-	-	34,200	-	Unions negotiated one-time bonus to staff for new MOU signed in 2021
Subtotal Salaries & Wages	314,215	277,646	36,569	1,256,858	1,059,732	231,326	
Benefits							
P-ROLL BEN/Medicare Tax-ER Shr	4,110	4,058	52	16,440	15,435	1,005	
P-ROLL BEN/Health Insurance Benefit	43,360	50,995	(7,634)	173,441	168,100	5,341	Less Health Insurance Benefit paid due to staff vacancies
P-ROLL BEN/Dental Insurance	4,380	3,651	729	17,520	13,509	4,011	Less Dental Insurance paid due to staff vacancies
P-ROLL BEN/Employee Assistance	132	46	86	528	244	284	Less staff usage of employee assistance
P-ROLL BEN/Professional Dev-Mg	1,688	250	1,438	6,750	250	6,500	Less staff usage of professional development
P-ROLL BEN/Vision	579	429	150	2,316	1,588	728	Less Vision Insurance paid due to staff vacancies
P-ROLL BEN/Life Insurance	1,041	844	196	4,163	3,336	827	
P-ROLL BEN/Long Term Disability	3,086	1,386	1,700	12,342	6,952	5,390	Less LTD Insurance paid due to staff vacancies
P-ROLL BEN/Unemployment Ins	1,368	1,266	102	5,472	4,440	1,032	Less UE Insurance paid due to staff vacancies
P-ROLL BEN/Personal/Prof Dev	563	1,140	(578)	2,250	1,140	1,110	Less staff usage of professional development
P-Roll Ben/Worker Comp-Injury Appt	90	-	90	359	-	359	
P-ROLL BEN/Worker Comp-Clerical	2,470	3,156	(686)	9,878	9,042	836	
P-ROLL BEN/Worker Comp-Prof	14,505	12,494	2,011	58,021	47,762	10,259	Less WC Insurance paid due to staff vacancies
P-ROLL BEN/OPEB	12,274	10,847	1,427	49,094	40,276	8,818	Less OPEB due to staff vacancies
P-ROLL BEN/PARS Benefits	24	124	(101)	94	398	(304)	
P-ROLL BEN/PERS-Misc.	39,325	34,726	4,599	157,301	128,986	28,315	Less PERS paid due to staff vacancies
P-ROLL BEN/PERS-Misc. (UAL)	81,762	60,447	21,315	327,048	252,844	74,204	Less PERS paid due to staff vacancies
Subtotal Benefits	210,754	185,859	24,895	843,017	694,301	148,716	
Professional & Administrative Services							
PROF SVCS/Professional Svcs	5,338	2,969	2,369	21,350	10,460	10,891	Projects and outreach conducted virtual or delayed
PROF SVCS/Legal Serv Cost	52,500	43,748	8,752	210,000	183,326	26,674	Legal services invoice have been encumbered and may be paid later
PROF SVCS/Info Tech Ser	551	2,205	(1,654)	2,205	2,205	-	
Travel & Trng/Tuition Rmb/Cert	200	-	200	800	-	800	
Travel & Trng/Registration Fee	413	240	173	1,650	1,437	213	
Ad & Promo/Advertising & Promo Materials	1,419	-	1,419	5,675	3,928	1,747	Projects and outreach conducted virtual or delayed
Adm Exp/Program Supplies	988	192	796	3,950	1,126	2,824	Less staff on site with less supplies being used
Subtotal Professional, Travel, & Admin Services	61,408	49,353	12,054	245,630	202,481	43,149	
Other Operating Expenditures							
OFF EXP/Postage & Mailing	5,662	759	4,903	22,647	14,981	7,666	Invoices and mailing delayed due to Council approving Fees in July 2022
OFF EXP/Printing & Binding	6,452	-	6,452	25,807	735	25,072	Invoices and mailing delayed due to Council approving Fees in July 2022
OFF EXP/Copying & Duplicating	125	-	125	500	-	500	Invoices and mailing delayed due to Council approving Fees in July 2022
RENTAL EXP/Equipment Rental	2,000	626	1,374	8,000	2,554	5,446	Remote work significantly delayed projects and equipment usage
MISC EXP/Misc. Contrib	750	-	750	3,000	1,500	1,500	
MISC EXP/Misc. Exp	731	-	731	2,925	173	2,752	
OFF SUPP/Office Supplies	1,624	655	969	6,495	6,457	38	
UTILITIES/Tel & Telegraph	125	91	35	500	498	2	
CONTRACT SVCS/Oth Cntrc	75	-	75	300	150	150	
PROV FR INS LOSS/Ins Gen Liab	2,325	-	2,325	9,300	8,991	309	
COST POOL/(ISF)-Gen Liability	19,984	19,983	1	79,937	79,937	-	
COST POOL/(CAP)- Admin Charges	13,120	13,120	0	52,481	52,481	-	
COST POOL/(IND)Civic Ctr Alloc	12,572	12,573	(2)	50,286	50,286	-	
NONCAP ASST/Comp Hardware<5K	2,149	-	2,149	8,595	-	8,595	Computers are being provided by IT Department - Program did not purchase
NONCAP ASST/Furniture <5k	-	-	-	-	-	-	
Subtotal Other Operating Expenditures	67,693	47,807	19,887	270,773	218,743	52,030	
TOTAL EXPENDITURES	654,070	560,665	93,405	2,616,278	2,175,258	441,020	
EXCESS OF REVENUES OVER (UNDER) EXPEND	\$ 498,262	\$ 450,423	\$ 47,839	\$ (322,036)	\$ (181,430)	\$ (140,606)	

(a) Variance explanations are provided where the actual expenditures varies from the budgeted amount by twenty five percent or more.

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: July 20, 2022

Final Decision Date Deadline: July 20, 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 June 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 June 2022 pursuant for Regulation 425 - Rent Program (Nicolas Traylor/510-620-6564).

AGENDA ITEM NO:

F-7.

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To: Members of the Richmond Rent Board

From: Nicolas Traylor, Executive Director

Re: Late Fee Waiver Recommendation

Date: July 20, 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 June 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)
Richmond Land	6-5-22	New Owner, did not receive invoice	Full waiver of late fees	\$328.50	\$328.50	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 their request, dated June 6, 2022, (Attachment 2) Dessi Mia Carbajal, agent for the property owner, Richmond Land, at 613 S. 24th St., indicated that the reason for paying late was that Richmond Land was a new owner (successor in interest) and had not received an invoice. (Attachment 3 - Email from Moises Serano, Rent Program Administrative Aide):

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, Richmond Land had not yet had an opportunity to make timely payments on behalf of 613 S. 24th St. during the last two fiscal years, foreclosing the possibility of a ministerial 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.*

Contra Costa County records show that 613 S. 24th St. is a Triplex built in 1962. (Attachment 4-Parcel Quest Report). The previous owners were sent to collections for the FY 2017-2018, 2018-2019, and 2019-2020 fees. Richmond Land purchased 613 S. 24th St. in February of 2022, inheriting the unpaid fees for fiscal years 2020-2021 and 2021-2022. (Attachment 5- Invoice with Late Fees). Richmond Land paid the unpaid fees (minus late fees) on May 12, 2022 (Attachment 6-Receipt of Payment) and enrolled the property and registered the tenancies at 613 S. 24th St. with the Richmond Rent Program on June 6, 2022 (Attachment 7- Property Enrollment and Tenancy Registration forms). Based on the above-mentioned facts, Richmond Land is a successor in interest

who did not receive an invoice and therefore has demonstrated a Good Cause that warrants a waiver of fee fees.

Staff Recommendation

Richmond Land has shown good faith in its efforts to come into compliance, by contacting the Rent Program to inquire about their invoice, paying the unpaid Rental Housing Fees due, and submitting the Property Enrollment form and Tenancy Registration forms for the property. Considering these factors and the fact that Richmond Land had not paid late in the past, staff recommend that a full waiver of late fees, in the amount of \$328.50 be granted.

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Request to Remove Late Fees

Property Owner Name: _____

FRJC #: _____

Property Owner Phone Number or Email: _____

The Property Owner has requested the removal of late fees on their account totaling \$ _____ for the following reason:

- New Owner, did not receive invoice
- Wrong Mailing Address
- Owner believed property was exempt from the Rent Ordinance
- Financial hardship, caused by circumstances beyond the Landlord's control, such as natural disaster, destruction or major damage to the Rental Property not due to the Landlords actions, bankruptcies and disputes over ownership of the property.
- Hospitalizations or medical treatments of the Landlord or Landlord's family during the fee billing period, or a death in the family within the fee billing period
- The landlord was billed for a fewer number of units because of errors in property records maintained by the Rent Program where the error was not attributable to information supplied by the Landlord. The penalties are waived only for unbilled units; the billed units should be paid on time.
- A previously enrolled property was not billed as a result of staff error.
- An invalid or erroneous account number was assigned, which resulted in billing errors or improper crediting of payments by the landlord.
- The determination of whether or not the property was subject to the Ordinance required an analysis through the existing Administrative Determination of Exempt Status process. Penalties will be waived only while the determinations pending. If the Landlord raised the issue requiring administrative determination, penalties will be waived only from the date of the first written contact with the Board in which the issue was raised. Waiver of penalties will not be granted if the staff determines that the issue raised is already settled and/or has no substantial merit. If the issue was raised by Rent Board staff, the waiver period commences on the date on which the administrative determination was requested by the staff. In all situations in which a determination was requested, the waiver period terminates when the Landlord is notified of the determination regarding the status of his/her property.
- The property owner was unable to collect some or all of the rent due to the COVID-19 pandemic and the resulting hardship led to non-payment of the Rental Housing Fee. In this case, the property owner must declare under penalty of perjury, in detail, how COVID-19 has impacted their business (i.e. how many month's tenants didn't pay rent, illness in the family or self, etc.)
- Other: _____

Declaration & Signature:

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

Signature of Landlord/Property Manager: _____ Date: ____/____/____

Printed Name: _____

Rent Program Staff Use Only:

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

Executive Director Signature: _____ Staff Initials: _____

Date: ____/____/____

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Request to Remove Late Fees

Property Owner Name: Richmond LAND

FRJC #: RC22-549131004

Property Owner Phone Number or Email: stewardship@richmondland.org

The Property Owner has requested the removal of late fees on their account totaling \$328.50 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: 06 / 05 / 2022

Printed Name: Valerie Jameson

Rent Program Staff Use Only:

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

Executive Director Signature: _____ Staff Initials: _____

Date: ____ / ____ / ____

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Moises Serano

From: Moises Serano
Sent: Monday, June 6, 2022 4:02 PM
To: Nicolas Traylor
Cc: Cynthia Shaw; Ramona Howell
Subject: Late Fee Waiver Request - 613 S. 24th Street
Attachments: Late Fee Waiver Request - 613 S. 24th Street.zip

Good Afternoon Nicolas,

I'm forwarding the Late Fee Waiver Request that we received today for the units at 613 S. 24th Street. Here's a bit of background information on the property:

- Property is a Triplex built in 1962
- The previous owners were sent to collections for the FY 2017-2018, 2018-2019, and 2019-2020 fees
- Richmond Land (new owners) purchased the Triplex in February 2022
- Richmond Land inherited the unpaid fees for FY 2020-2021 & 2021-2022
 - These fees were paid by Richmond Land on May 12, 2022
- We received their Property Enrollment & Tenancy Registration forms today, June 6, 2022

Recommendation: Late Fee Waiver be fully approved. Richmond Land has taken the steps to get their units into compliance despite purchasing a property with unpaid fees. This should warrant a full approval of their request.

In this email I have gone ahead and included a compressed folder with the usual documents I send to you for late fee waivers. Please feel free to reach out to me should you have any questions. Thank you!

Best,

Moises Serano

Administrative Aide

Billing & Registration Unit

City of Richmond Rent Program

440 Civic Center Plaza, Suite 200 | Richmond, CA 94804

(510) 234-RENT (7368) (main) | (510) 621-1359 (direct) | (510) 307-8149 (fax)

www.richmondrent.org

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LIST 1
DETAIL 1 Property Address: 613 S 24TH ST RICHMOND CA 94804-3933**Ownership**

County: **CONTRA COSTA, CA**
 Assessor: **GUS KRAMER, ASSESSOR**
 Parcel # (APN): **549-131-004-0**
 Parcel Status:
 Owner Name: **RICHMOND LAND**
 Mailing Address: **613 S 24TH ST RICHMOND CA 94804-3933**
 Legal Description: **EL CERRITO TERRACE LOTS 169 & 170**

Assessment

Total Value: \$630,000	Use Code: 79	Use Type: GOVERNMENT
Land Value: \$130,000	Tax Rate Area: 008-133	County Zoning:
Impr Value: \$500,000	Year Assd: 2022	Census Tract: 3800.02/2
Other Value:	Property Tax:	Price/SqFt: \$208.33
% Improved: 79%	Delinquent Yr:	
Exempt Amt:	HO Exempt: N	

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	02/17/2022	07/13/2021		02/17/2022
Document Number:	30882	198015		30882
Document Type:				
Transfer Amount:	\$600,000	\$541,000		
Seller (Grantor):				

Property Characteristics

Bedrooms:	Fireplace:	Units: 3
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality:
Total Rooms:	Pool:	Building Class:
Bldg/Liv Area: 2,880	Park Type:	Condition:
Lot Acres: 0.114	Spaces:	Site Influence:
Lot SqFt: 5,000	Garage SqFt:	Timber Preserve:
Year Built:		Ag Preserve:
Effective Year: 1962		

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City of Richmond Rent Program

440 Civic Center Plaza, 2nd Floor; Richmond CA 94804
www.richmondrent.org
510-234-RENT (7368)

RENTAL HOUSING FEE INVOICE

INVOICE DATE: April 08, 2022

Property Owner/Landlord Mailing Address

RICHMOND LAND
2163 MEEKER AVE #117
RICHMOND, CA 94804

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 549131004.

FRJC Registration#: [REDACTED]

Page 1 of 1

APN/Situs Address	Applicable Fiscal Year	Amount Due
RC17-26828 / 549-131-004-0 / 613 S 24TH ST	FY 2020-2021	219.00
RC17-26828 / 549-131-004-0 / 613 S 24TH ST	FY 2021-2022	218.00
RC17-26828 / 549-131-004-0 / 613 S 24TH ST / LATE FEES	PRIOR LATE FEE	109.50
RC19-00310 / 549-131-004-0 / 615 S 24TH ST	FY 2020-2021	219.00
RC19-00310 / 549-131-004-0 / 615 S 24TH ST	FY 2021-2022	218.00
RC19-00310 / 549-131-004-0 / 615 S 24TH ST / LATE FEES	PRIOR LATE FEE	109.50
RC19-00311 / 549-131-004-0 / 617 S 24TH ST	FY 2020-2021	219.00
RC19-00311 / 549-131-004-0 / 617 S 24TH ST	FY 2021-2022	218.00
RC19-00311 / 549-131-004-0 / 617 S 24TH ST / LATE FEES	PRIOR LATE FEE	109.50

AMOUNT DUE if paid by: May 13, 2022 1,639.50

AMOUNT DUE if paid after: May 13, 2022 : 1,639.50 + 65.40 10% Late Fee FY 21-22 FEES 1,704.90

AMOUNT DUE if paid after: June 12, 2022 : 1,639.50 + 163.50 25% Late Fee FY 21-22 FEES 1,803.00

AMOUNT DUE if paid after: July 12, 2022 : 1,639.50 + 327.00 50% Late Fee FY 21-22 FEES 1,966.50

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 Contractor/Landlord dropdown menu and finding your name (3) Your password is set to [REDACTED]	(1) Make payable to "City of Richmond" (2) Write your FRJC Number in the memo line [REDACTED] (3) Remit to: City of Richmond c/o Finance Department 450 Civic Center Plaza Richmond, CA 94804
Amount Due: \$1,639.50	

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

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**CALIFORNIA
RECEIPT**

Number: **WEB37652**

FEES PAID

Record Type	Record Number	Address Number	QTY	Description of Fee	Amount of Fee
PERMIT	RC19-00311	617 S 24TH ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$218.00
PERMIT	RC19-00311	617 S 24TH ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$219.00
PERMIT	RC19-00311	617 S 24TH ST	437	2% CREDIT CARD PROCESSING FEE	\$8.74
PERMIT	RC19-00310	615 S 24TH ST	437	2% CREDIT CARD PROCESSING FEE	\$8.74
PERMIT	RC19-00310	615 S 24TH ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$219.00
PERMIT	RC19-00310	615 S 24TH ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$218.00
PERMIT	RC17-26828	613 S 24TH ST	437	2% CREDIT CARD PROCESSING FEE	\$8.74
PERMIT	RC17-26828	613 S 24TH ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$219.00
PERMIT	RC17-26828	613 S 24TH ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$218.00

TOTAL PAID

\$1,337.22

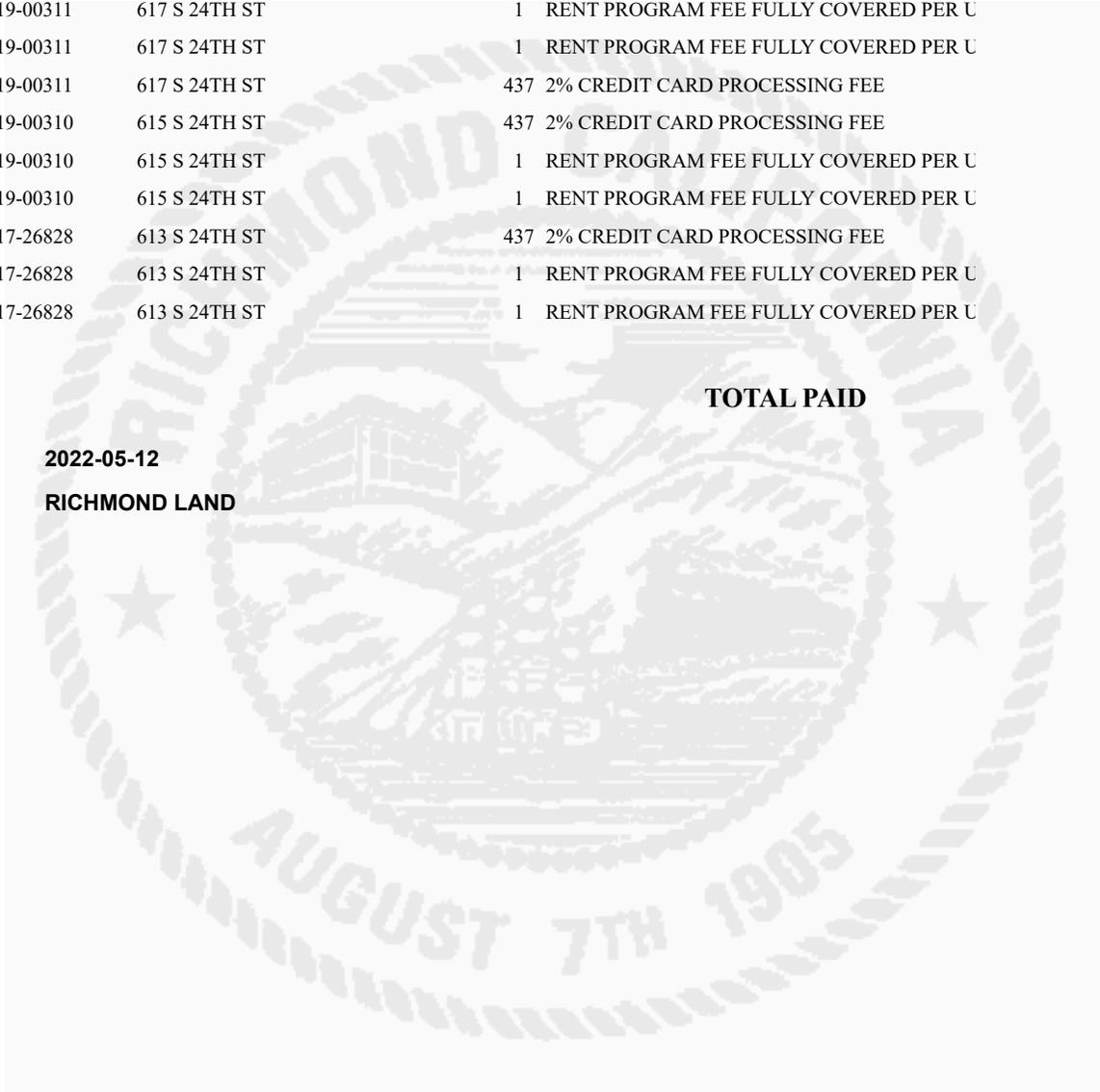
Date of Payment

2022-05-12

Paid By

RICHMOND LAND

Method of Payment



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**City of Richmond Rent Program
PROPERTY ENROLLMENT FORM**

**ITEM F-7
ATTACHMENT 7**



This form may be completed online at richmondrent.org/enroll

**A separate enrollment form must be completed for each parcel with at least one Rental Unit (Regulation 402)
IF THIS PROPERTY IS NOT A RENTAL, PLEASE CALL 510-234-RENT (7368)**

**Property
Ownership
Status
(Required)**

Rental Property Street Address: 613 S.24th Street
 City: Richmond State: CA ZIP: 94804
 Parcel Number: 5 4 9 - 1 3 1 - 0 0 4

Does the person or entity to whom this mailing was addressed hold title to the property above?

- YES → please complete Steps A-D
 NO → please enter the New Property Owner's information below (if known) and send this form back to the Richmond Rent Program (*address located on the bottom left of this page*)

New Property Owner's Information

Name (first, last): _____ Phone Number: _____
 Mailing Address: _____
 City: _____ State: _____ ZIP: _____

**A:
Who holds
title?
(Required)**

*ALL Owners
must be on
title; attach
additional
sheets as
necessary if
there are
more than 2
owners*

**Bus. = Business*

Owner 1 Information (Individual, Trust, LLC, etc.)

Name (first, last): Richmond LAND Ownership % : 100
 Bus. Mailing Address: 2163 Meeker Ave. #117
 City: Richmond State: CA ZIP: 94804
 Bus. Phone Number: (510) 409-2051 Bus. Email Address: stewardship@richmondland.org
 Enter the name of the trustee, managing member, CEO or responsible party below if the Owner is a trust, LLC, corporation or business partnership.
 Name: Valerie Jameson Title: Executive Director

Owner 2 Information (Individual, Trust, LLC, etc.)

Name (first, last): _____ Ownership % (if any): _____
 Bus. Mailing Address: _____
 City: _____ State: _____ ZIP: _____
 Bus. Phone Number: _____ Bus. Email Address: _____
 Enter the name of the trustee, managing member, CEO or responsible party below if the Owner is a trust, LLC, corporation or business partnership.
 Name: _____ Title: _____

**B:
Who do you
authorize to
sign Rent
Program
documents
for you?
(Optional)**

AUTHORIZE AN AGENT OR PROPERTY MANAGER (OPTIONAL)

Declaration: I am the owner of the property identified above. I hereby authorize and appoint the following agent to complete and execute, under penalty of perjury, the Richmond Rent Program Enrollment, Termination of Tenancy and Rent Increase forms for this property. I agree to be bound by each document filed by this person to the same extent as if I had completed the document and executed it under penalty of perjury myself.

Company Name (if any): Richmond LAND Agent Name: Dessi Mia Carbajal
 Bus. Mailing Address: 2163 Meeker Ave. #117
 City: Richmond State: CA ZIP: 94804
 Bus. Phone Number: (415) 571-7390 Bus. Email Address: mia@richmondland.org
 Owner Signature (Required): *Valerie Jameson*

TURN TO PAGE 2 ↓

C: Rent Program Mail

Where would you like us to send Rent Program notifications and statements? (Check ONE)

Owner 1 Business Mailing Address Owner 2 Business Mailing Address
 Authorized Agent or Property Manager Business Mailing Address

Would you like to have your email added to our Rent Program Listserv? Yes No

D: What is the Status of each Rental Unit? (Required)

Total # of Dwelling Units: 3

Indicate your Property Type (CHECK ONE)

Multi-unit (2+ units) constructed BEFORE February 1, 1995
 Multi-unit (2+ units) constructed AFTER February 1, 1995
 Single-Family Home or Condominium
 Rooming and Boarding House or SRO (Single Room Occupancy) Building Rental Property
 City of Richmond Building and Planning Department has issued a valid legal permit recognizing a Dwelling Unit as an Accessory Dwelling Unit (ADU)
 Other: _____

Refer to the table below for clarification Unit Status Code

List all the units on the parcel. If more space is needed, complete Section D (Part 2)

* To claim this unit status, you must have an approved administrative determination. Please contact the Rent Program for more information.

Unit Address	Unit Status Code LIST ALL THAT APPLY See Codes Below	Date Tenancy Started (mm/dd/yyyy)
<i>1234 Main Street (Example)</i>	CR	01/01/2013
613 S.24th Street	CR/ OTHER	11/01/2019
615 S. 24th Street	CR/OTHER	10/10/2009
619 S.24th Street	CR/ OTHER	02/17/2022

Unit Status Codes

- [SEC 8] Governmentally-Subsidized Rental Housing: Section 8 Subsidy (Project-Based or Tenant-Based)
- [LIHTC] Governmentally-Subsidized Rental Housing: Low Income Housing Tax Credits (LIHTC)
- [GOVT. OTH.] Governmentally-Subsidized Rental Housing: Other form of subsidy *specify:* _____
- [BMR] Owner/developer entered into a regulatory agreement w/ a Governmental Agency that restricts the amount of Rent that may be charged
- [CR] Unit is Currently Rented
- [AFR] Unit is Available for Rent but is not rented
- *[NAR] Unit is Not Available for Rent; Will not be on the Rental Market at any period during the Fiscal Year July 1 - June 30
- *[OWN OCCPD] Unit is occupied by an Owner of record
- *[RENT FREE] Unit is occupied by a Tenant under an agreement in which no rent or anything else given in lieu of rent is collected for the use and occupancy of the Rental Unit
- [OTHER] Specify: Units are income restricted per organizational bylaws

Declaration and Signature

The undersigned does hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

This form has been completed and signed by (check one):

Owner on Title Property Manager / Authorized Agent

Signature:  Print: Executive Director

Date (mm/dd/yyyy): 05 / 18 / 2022



THIS FORM MAY BE COMPLETED ONLINE AT richmondland.org/rent

Property Ownership Status (Required)

A: Who holds title? (Required)

B: Who do you authorize to sign Rent Program documents for you? (Optional)

Rental Property Street Address: 010 010 010 010 010
Richmond CA 94804

Parcel Number: 0 4 0 1 0 1 0 0 4

Does the person or entity to whom this mailing was addressed now live at the property above?
 YES → please complete Steps A-D
 NO → please enter the New Property (Owner's) information below (if known) and send this form back to the Richmond Rent Program (address located on the bottom left of this page)

Name (first, last): _____ Phone Number: _____
 Mailing Address: _____
 City: _____ State: _____ ZIP: _____

Owner 1 Information (Individual, Trust, LLC, etc.)

Name (first, last): Richmond Land (Ownership %: 100)
 Bus. Mailing Address: 2163 Meeker Ave. #117
 City: RICHMOND State: CA ZIP: 94804
 Bus. Phone Number: (510) 400-0054 Bus. Email Address: rent@cl.richmond.ca.us

Enter the name of the trustee, managing member, CEO or responsible party below if the Owner is a trust, LLC, corporation or business partnership.
 Name: Valerie Jameson Title: EXECUTIVE DIRECTOR

Owner 2 Information (Individual, Trust, LLC, etc.)

Name (first, last): _____ (Ownership % (if any): _____)
 Bus. Mailing Address: _____
 City: _____ State: _____ ZIP: _____

Enter the name of the trustee, managing member, CEO or responsible party below if the Owner is a trust, LLC, corporation or business partnership.
 Name: _____ Title: _____

AUTHORIZE AN AGENT OR PROPERTY MANAGER (OPTIONAL)

I authorize _____ to complete and execute _____ and Rent Increase forms for this property. I agree to be bound by each document filed by this person to the same extent as if I had completed the document and executed it under penalty of perjury myself.

Company Name (if any): Richmond LAND Agent Name: Dessi Mia Carbajal
 Bus. Mailing Address: 2163 Meeker Ave. #117
 City: Richmond State: CA ZIP: 94804
 Bus. Phone Number: (415) 571-7390 Bus. Email Address: mia@richmondland.org

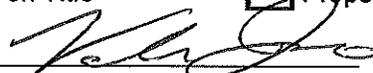
Owner Signature (Required): _____

TURN TO PAGE 2 ↓

PLEASE RETURN TO:
440 Civic Center Plaza, Suite 200
Richmond, CA 94804

(510) 234-RENT (7368)
rent@cl.richmond.ca.us

STAFF USE ONLY:
Date: _____ Initials: _____

<i>(continued)</i>	<p>Security Deposit</p> <p>Total amount of Security Deposit Collected: \$ <u>1,000.00</u></p> <p><i>Note: Security deposit means any money collected other than the first month's rent and application fee. Last month's rent, cleaning, and pet deposits are considered part of the security deposit.</i></p>
D: Indicate Housing Services Included in the Rent	<p>Check the box next to the Housing Services paid by the Landlord or included in the Rent. <i>Note: Landlords may not charge for utilities unless utility is separately metered (RMC 11.100.070(f))</i></p> <p> <input type="checkbox"/> Water <input checked="" type="checkbox"/> Garbage <input type="checkbox"/> Parking <input type="checkbox"/> Laundry <input type="checkbox"/> Gas <input type="checkbox"/> Electricity <input type="checkbox"/> Storage <input type="checkbox"/> Other: _____ </p>
E: Provide Details on the Previous Tenancy (if known)	<p>Ending date of prior tenancy (if known)[mm/dd/yyyy]: _____ / _____ / _____</p> <p>Reason prior Tenant/s moved out (check one):</p> <p> <input type="checkbox"/> Tenant moved out voluntarily <input type="checkbox"/> Tenant moved out due to nonpayment of rent, nuisance, or breach of lease <input type="checkbox"/> Tenant moved out due to owner move-in, withdrawal from rental market, or substantial repairs <input checked="" type="checkbox"/> Other (e.g. abandonment) specify: <u>Landlord lost home in foreclosure, Richmond LAND is the new owner.</u> </p> <p>Final Rent charged to prior Tenant (if known): \$ <u>900.00</u> per month</p>
Declaration and Signature	<p>The undersigned does hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p> <p>This form has been completed and signed by (check one):</p> <p> <input checked="" type="checkbox"/> Owner on Title <input type="checkbox"/> Property Manager / Authorized Agent </p> <p>Signature: <u></u> Print: <u>Valerie Jameson</u></p> <p>*Bus. = Business Bus. Phone Number: <u>(510) 409-2051</u> Bus. Email: <u>stewardship@richmondland.org</u></p> <p>Date (mm/dd/yyyy): <u>06 / 05 / 2022</u></p>

City of Richmond Rent Program
TENANCY REGISTRATION FORM

Complete this form online at www.richmondrent.org/enroll

<p>REQUIREMENT TO REGISTER</p>	<p>Landlords MUST FILE this form for EACH EXISTING TENANCY and re-submitted for new tenancies or complete turnover of Original Occupants*. DO NOT COMPLETE THIS FORM FOR GOVERNMENTALLY SUBSIDIZED, SINGLE-FAMILY HOME/ CONDO, AND NEW CONSTRUCTION TENANCIES OR DUE TO THE ADDITION OF ROOMATES TO AN EXISTING TENANCY.</p> <p><i>*Per The Regulations of the Richmond Rent Board Chapter 7, original occupant includes any Tenant in the Rental Unit, with the Landlord's knowledge, that was residing in the unit on or before July 21, 2015, or when the Landlord last established an initial rent for the unit.</i></p>
<p>A: Enter Basic Rental Unit Information</p>	<p>Rental Property Street Address: <u>613 S.24th Street</u></p> <p>Unit # <u>[REDACTED]</u> # of Bedrooms: <u>3</u></p>
<p>B: Enter Tenancy Information <i>(List the names of all Tenants named in the Rental Agreement or that moved in within one month of the original Occupants with the Landlord's knowledge)</i></p>	<p>PLEASE NOTE: Civil Code 1947.7(g) ensures the confidentiality of tenant names and other tenant information in accordance with the Information Practices Act of 1977. All tenant information supplied on this form will be treated as confidential information in accordance with the Information Practices Act of 1977. To comply with Civil Code 1947.7(g) and Richmond Rent Board Regulation 402, Tenant names must be provided.</p> <p>Tenant Name (first, last): <u>[REDACTED]</u></p> <p>Tenant Name (first, last): <u>[REDACTED]</u></p> <p>Tenant Name (first, last): _____</p> <p>Tenant Name (first, last): _____</p> <p>Tenant Name (first, last): _____</p>
<p>C: Enter Base Rent and Security Deposit Information <i>(The Base Rent is the rent paid on July 21, 2015, or, for tenancies that began after July 21, 2015, the first rent amount the Tenant paid after July 21, 2015)</i></p>	<p>Beginning date of this tenancy (mm/dd/yyyy) : <u>02 / 17 / 2022</u> # of Tenants: <u>1</u></p> <p>Check the box that applies: <input checked="" type="checkbox"/> Month-to-month Agreement <input type="checkbox"/> Fixed Term Lease (indicate the length of the lease: e.g. 6 months, 1 year): _____</p> <p>Was a discount provided (a) within the first 12 months of a month-to-month agreement OR (b) within the first term of the fixed-term lease? (check one) <input checked="" type="checkbox"/> If NO, continue to the Base Rent section below <input type="checkbox"/> If YES, how much total rent was discounted over that period? \$ _____</p> <p><i>Per The Regulations of the Richmond Rent Board Chapter 7, where the rental agreement includes periods for which the Tenant pays reduced, discounted or "free" rent, the Maximum Allowable Rent is calculated as the average of the monthly payments made during the initial term of the agreement or, in the case of a month-to-month tenancy, during the first twelve months of the tenancy.</i></p> <p>The Base Rent is the rent paid on July 21, 2015, or, for tenancies that began after July 21, 2015, the first rent the Tenant paid after July 21, 2015.</p> <p><u>\$900.00</u> (RENT) per month + <u>\$0.00</u> (ANY ADDITIONAL FEES / SURCHARGES) = <u>\$900.00</u> (BASE RENT)</p>

TURN TO PAGE 2 ↓

<i>(continued)</i>	<p>Security Deposit</p> <p>Total amount of Security Deposit Collected: \$ <u>900.00</u></p> <p><i>Note: Security deposit means any money collected other than the first month's rent and application fee. Last month's rent, cleaning, and pet deposits are considered part of the security deposit.</i></p>
D: Indicate Housing Services Included in the Rent	<p>Check the box next to the Housing Services paid by the Landlord or Included in the Rent. <i>Note: Landlords may not charge for utilities unless utility is separately metered (RMC 11.100.070(f))</i></p> <p> <input type="checkbox"/> Water <input checked="" type="checkbox"/> Garbage <input type="checkbox"/> Parking <input type="checkbox"/> Laundry <input type="checkbox"/> Gas <input type="checkbox"/> Electricity <input type="checkbox"/> Storage <input type="checkbox"/> Other: _____ </p>
E: Provide Details on the Previous Tenancy (if known)	<p>Ending date of prior tenancy (if known)[mm/dd/yyyy]: _____ / _____ / _____</p> <p>Reason prior Tenant/s moved out (check one):</p> <p> <input type="checkbox"/> Tenant moved out voluntarily <input type="checkbox"/> Tenant moved out due to nonpayment of rent, nuisance, or breach of lease <input type="checkbox"/> Tenant moved out due to owner move-in, withdrawal from rental market, or substantial repairs <input checked="" type="checkbox"/> Other (e.g. abandonment) specify: <u>Previous landlord of the building.</u> </p> <p>Final Rent charged to prior Tenant (if known): \$ _____ per month</p>
Declaration and Signature	<p>The undersigned does hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p> <p>This form has been completed and signed by (check one):</p> <p> <input checked="" type="checkbox"/> Owner on Title <input type="checkbox"/> Property Manager / Authorized Agent </p> <p>Signature: <u></u> Print: <u>Valerie Jameson</u></p> <p>*Bus. = Business Bus. Phone Number: <u>(510) 409-2051</u> Bus. Email: <u>stewardship@richmondland.org</u></p> <p>Date (mm/dd/yyyy): <u>06 / 05 / 2022</u></p>



City of Richmond Rent Program
TENANCY REGISTRATION FORM

Complete this form online at www.richmondrent.org/enroll

REQUIREMENT TO REGISTER

Landlords **MUST FILE** this form for **EACH EXISTING TENANCY** and re-submitted for new tenancies or complete turnover of **Original Occupants***. DO NOT COMPLETE THIS FORM FOR GOVERNMENTALLY SUBSIDIZED, SINGLE-FAMILY HOME/ CONDO, AND NEW CONSTRUCTION TENANCIES OR DUE TO THE ADDITION OF ROOMATES TO AN EXISTING TENANCY.

**Per The Regulations of the Richmond Rent Board Chapter 7, original occupant includes any Tenant in the Rental Unit, with the Landlord's knowledge, that was residing in the unit on or before July 21, 2015, or when the Landlord last established an initial rent for the unit.*

**A:
Enter Basic
Rental Unit
Information**

Rental Property Street Address: 613 S.24th Street, Richmond, CA 94804

Unit #: [REDACTED] # of Bedrooms: 2

**B:
Enter Tenancy
Information**

(List the names of all Tenants named in the Rental Agreement or that moved in within one month of the original Occupants with the Landlord's knowledge)

PLEASE NOTE: Civil Code 1947.7(g) ensures the confidentiality of tenant names and other tenant information in accordance with the Information Practices Act of 1977. All tenant information supplied on this form will be treated as confidential information in accordance with the Information Practices Act of 1977. To comply with Civil Code 1947.7(g) and Richmond Rent Board Regulation 402, Tenant names must be provided.

Tenant Name (first, last): [REDACTED]

**C:
Enter Base
Rent and
Security
Deposit
Information**

(The Base Rent is the rent paid on July 21, 2015, or, for tenancies that began after July 21, 2015, the first rent amount the Tenant paid after July 21, 2015)

Beginning date of this tenancy (mm/dd/yyyy) : 02 / 17 / 2022 # of Tenants: 3

Check the box that applies:

- Month-to-month Agreement
- Fixed Term Lease (indicate the length of the lease; e.g. 6 months, 1 year): _____

Was a discount provided (a) within the first 12 months of a month-to-month agreement OR (b) within the first term of the fixed-term lease? (check one)

- If NO, continue to the Base Rent section below
- If YES, how much total rent was discounted over that period? \$ _____

Per The Regulations of the Richmond Rent Board Chapter 7, where the rental agreement includes periods for which the Tenant pays reduced, discounted or "free" rent, the Maximum Allowable Rent is calculated as the average of the monthly payments made during the initial term of the agreement or, in the case of a month-to-month tenancy, during the first twelve months of the tenancy.

The Base Rent is the rent paid on July 21, 2015, or, for tenancies that began after July 21, 2015, the first rent the Tenant paid after July 21, 2015.

\$1,000.00 per month + \$0.00 = \$1,000.00 (BASE RENT)
(RENT) (ANY ADDITIONAL FEES / SURCHARGES)

TURN TO PAGE 2 ↓

<i>(continued)</i>	<p>Security Deposit</p> <p>Total amount of Security Deposit Collected: \$ <u>1,000.00</u></p> <p><i>Note: Security deposit means any money collected other than the first month's rent and application fee. Last month's rent, cleaning, and pet deposits are considered part of the security deposit.</i></p>
D: Indicate Housing Services Included in the Rent	<p>Check the box next to the Housing Services paid by the Landlord or included in the Rent. <i>Note: Landlords may not charge for utilities unless utility is separately metered (RMC 11.100.070(f))</i></p> <p> <input type="checkbox"/> Water <input checked="" type="checkbox"/> Garbage <input type="checkbox"/> Parking <input type="checkbox"/> Laundry <input type="checkbox"/> Gas <input type="checkbox"/> Electricity <input type="checkbox"/> Storage <input type="checkbox"/> Other: _____ </p>
E: Provide Details on the Previous Tenancy (if known)	<p>Ending date of prior tenancy (if known)[mm/dd/yyyy]: _____ / _____ / _____</p> <p>Reason prior Tenant/s moved out (check one):</p> <p> <input type="checkbox"/> Tenant moved out voluntarily <input type="checkbox"/> Tenant moved out due to nonpayment of rent, nuisance, or breach of lease <input type="checkbox"/> Tenant moved out due to owner move-in, withdrawal from rental market, or substantial repairs <input checked="" type="checkbox"/> Other (e.g. abandonment) specify: <u>Landlord lost home in foreclosure, Richmond LAND became new owners</u> </p> <p>Final Rent charged to prior Tenant (if known): \$ <u>900.00</u> per month</p>
Declaration and Signature	<p>The undersigned does hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p> <p>This form has been completed and signed by (check one):</p> <p> <input checked="" type="checkbox"/> Owner on Title <input type="checkbox"/> Property Manager / Authorized Agent </p> <p>Signature: <u></u> Print: <u>Valerie Jameson</u></p> <p>*Bus. = Business Bus. Phone Number: <u>(510) 409-2051</u> Bus. Email: <u>stewardship@richmondland.org</u></p> <p>Date (mm/dd/yyyy): <u>06 10 2022</u></p>

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: July 20, 2022

Final Decision Date Deadline: July 20, 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

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|---|--|--|
| <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-8.

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AGENDA REPORT

DATE: July 20, 2022

TO: Chair Finlay and Members of the Rent Board

FROM: Charles Oshinuga, General Counsel

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 – Rent Program (Charles Oshinuga 621-1202).

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.

Discussion

COVID-19 continues to pose a serious threat to public health and safety. There are now Approximately 32,474 confirmed cases of COVID-19 and at least 180 deaths in the City of Richmond. That is approximately an increase of 1,940 confirmed Covid cases and 4 Covid-related deaths in 30 days. The City of Richmond has one of the highest infection rate total and the third highest death total in Contra Costa County.

Within the U.S and Contra Costa County, positive Covid cases have steadily increased over the past few weeks, as a new Covid-19 variant has arrived. Scientist are concerned the variant has the ability to escape preexisting immunity, thereby increasing the rate of infections and potential hospitalization. The impact of this variant has been felt as the City of Richmond, and many other Contra Costa cities have been placed in the “purple” tier category, representing the worst category of Covid-19 prevalence. This has prompted local city officials to send out emails advising employees of the need for social distancing, constant mask wearing, and vaccinations. 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.

ITEM F-8

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 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 22-08

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RESOLUTION NO. 22-08

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-8
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 has maintained its declaration of a local emergency due to the COVID-19 pandemic and recommends masks wearing, and social distancing while indoors; 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, and the City of Richmond remains 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, and local 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;

**ITEM F-8
ATTACHMENT 1**

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.

APPROVED by the City of Richmond Rent Board at a regular meeting on July 20, 2022 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

RENT BOARD CHAIR

APPROVED AS TO FORM:

ATTEST:

GENERAL COUNSEL

RENT BOARD CLERK

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: July 20, 2022

Final Decision Date Deadline: July 20, 2022

STATEMENT OF THE ISSUE: In March of 2020, the novel coronavirus-19 led County officials to issue a stay-at-home order for nonessential employees. This Order led many businesses to close and left Richmond Residents home-bound. To ensure that Landlords and Tenants were still able to engage their rights while minimizing potential health risks, the Executive Director required that the in-person housing counseling sessions temporarily be changed to virtual sessions only. Shortly thereafter, both the County of Contra Costa and the City of Richmond passed numerous eviction and rent moratoria which, among other things, suspended a Landlord's ability to raise rents. These rent increase moratoria expired at the end of day of September 30, 2021. As of June 2022, the Rent Board has heard from four to five constituents expressing concerns regarding their ability to engage in the Maintenance of Net Operating Income (hereinafter, "MNOI") process due to the impacts Covid-19 had on their lives and the Rent Program's operations. In recognition of these concerns, in its June 15, 2022, meeting, the Rent Board directed staff to draft an emergency regulation that would apply only to those Landlords who had filed their MNOI petition during the Local Emergency and later had their petition dismissed or withdrawn. The Regulation would allow those categories of Landlord's to request the Rent Board Order the Hearing Examiner to reconsider the Landlord's previously filed MNOI petition where the Landlord demonstrated a Good Cause basis as to why they failed to pursue their MNOI petition. Consistent with the Rent Board's direction, staff members now present the Rent Board with Resolution 22-07.

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 type="checkbox"/> Other: | |
| <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 checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Video/PowerPoint Presentation (contact KCRT @ 620.6759) | | |

RECOMMENDED ACTION: DISCUSS and ADOPT Emergency Regulation 22-07, which would permit a Landlord, who filed a Maintenance of Net Operating Income petition during the Richmond Local Emergency but failed to pursue their petition, to request the Rent Board Order the Hearing Examiner to reconsider their previously filed petition– Rent Program (Charles Oshinuga/Nicolas Traylor 620-6564).

AGENDA ITEM NO:

G-1.

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AGENDA REPORT

DATE: July 20, 2022

TO: Members of the Rent Board

FROM: Charles Oshinuga, General Counsel

SUBJECT: PROPOSED EMERGENCY REGULATION PERMITTING LANDLORDS TO REQUEST THE RENT BOARD ORDER THE HEARING EXAMINER TO RECONSIDER THEIR PREVIOUSLY FILED MAINTAINENCE OF NET OPERATING INCOME PETITION WHERE THE PREVIOUSLY FILED PETITION WAS FILED DURING THE LOCAL EMERGENCY AND LATER WITHDRAWN OR DISMISSED DUE TO A GOOD CAUSE BASIS.

STATEMENT OF THE ISSUE:

In March of 2020, the novel coronavirus-19 led County officials to issue a stay-at-home order for nonessential employees. This Order led many businesses to close and left Richmond Residents home-bound. To ensure that Landlords and Tenants were still able to engage their rights while minimizing potential health risks, the Executive Director required that the in-person housing counseling sessions temporarily be changed to virtual sessions only. Shortly thereafter, both the County of Contra Costa and the City of Richmond passed numerous eviction and rent moratoria which, among other things, suspended a Landlord's ability to raise rents. These rent increase moratoria expired at the end of day of September 30, 2021.

As of June 2022, the Rent Board has heard from four to five constituents expressing concerns regarding their ability to engage in the Maintenance of Net Operating Income (hereinafter, "MNOI") process due to the impacts Covid-19 had on their lives and the Rent Program's operations. In recognition of these concerns, in its June 15, 2022, meeting, the Rent Board directed staff to draft an emergency regulation that would apply only to those Landlords who had filed their MNOI petition during the Local Emergency and later had their petition dismissed or withdrawn. The Regulation would allow those categories of Landlord's to request the Rent Board Order the Hearing Examiner to reconsider the Landlord's previously filed MNOI petition where the Landlord demonstrated a Good Cause basis as to why they failed to pursue their MNOI petition. Consistent with the Rent Board's direction, staff members now present the Rent Board with Resolution 22-07.

AGENDA ACTION:

DISCUSS and ADOPT Emergency Regulation 22-07, which would permit a Landlord, who filed a Maintenance of Net Operating Income petition during the Richmond Local Emergency but failed to pursue their petition, to request the Rent Board Order the Hearing Examiner to reconsider their previously filed petition– Rent Program (Charles Oshinuga/Nicolas Traylor 620-6564).

FISCAL IMPACT:

There is no fiscal impact related to this item.

DISCUSSION:

Background

Given the spread of the novel coronavirus (“COVID-19”), on March 4, 2020, the Governor declared a state of emergency to strengthen California’s response to the virus. On March 10, 2020, Contra Costa County declared a local emergency to aid the regional healthcare and governmental community in responding to COVID-19. On March 13, 2020, the President of the United States declared a national emergency and made emergency funding available to assist states and local governments in preventing the spread of COVID-19. On that same day, the Contra Costa County Superior Court closed all its locations to the general public. On March 16, 2020, Contra Costa County issued a shelter in place order, prohibiting residence from leaving their homes except as to engage in certain essential activities, or receive certain essential services. On March 17, 2020, the City of Richmond City Manager declared a local emergency and issued an Order prohibiting certain types of evictions.

On April 27, 2020, the City of Richmond City Manager issued an Order which, among other things, suspended an owner’s ability to increase residential real property rent through May 31, 2020. That following month, on May 26, 2020, the City of Richmond City Manager extended her April 27, 2020, Order, setting it to expire on July 15, 2020. The City Manager would go on to extend her Order two additional times, with the City Council ratifying each Order. On October 1, 2020, the City Council allowed the City Manager’s rent increase and eviction moratorium to expire; however, the Contra Costa County’s rent increase and eviction moratorium was still active and applied to the City of Richmond. This rent increase and eviction moratorium did not expire until September 30, 2021. Prior to its expiration, the City Council passed an Urgency Ordinance that again suspended Landlord’s ability to evict Tenants during the Local Emergency.

Given the impact Covid-19 had on the Rent Program operations, Landlords, and Tenants, some Landlords may have been adversely impact in their ability to pursue a previously timely filed Maintenance of Net Operating Income petition. In recognition of this potential adverse impact, the Rent Board, at its June 15, 2022, meeting directed staff to prepare a Regulation that would permit a Landlord, who filed a Maintenance of

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Net Operating Income petition during the Richmond Local Emergency but failed to pursue their petition, to request the Rent Board Order the Hearing Examiner to reconsider their previously filed Maintenance of Net Operating Income petition.

Proposed Emergency Regulation Permits the Landlord to Request that the Rent Board Order the Hearing Examiner to Reconsider the Landlord's Previously Filed Maintenance of Net Operating Income Petition.

The Proposed Emergency Regulation would allow the Landlord to request the Rent Board Order the Hearing Examiner reconsider the Landlord's previously filed Maintenance of Net Operating Income petition. To grant the request, the Regulation requires that the Landlord demonstrate by a Preponderance of the Evidence that they had Good Cause in failing to pursue their previously timely filed Maintenance of Net Operating Income petition. If the Rent Board grants the Landlord's request, then the Hearing Examiner must reconsider the previously timely filed Maintenance of Net Operating Income petition. This Regulation only authorizes the reconsideration of the actual previously timely filed Maintenance of Net Operating Income petition and does not permit a Landlord to submit a new Maintenance of Net Operating Income petition in place of the previously filed petition. This Regulation also makes clear that it does not alter the application of Regulation 905 and requires that the previously timely filed Maintenance of Net Operating Income petition be evaluated under Regulation 905. Finally, this Regulation explains that the Current Year is the year preceding the Landlord's previously timely filed Maintenance of Net Operating Income petition that was later withdrawn or dismissed.

Conclusion

As instructed, Staff members have drafted Resolution 22-07 and accompanying Regulation in a manner consistent with Rent Board direction.

DOCUMENTS ATTACHED:

Attachment 1 – Resolution 22-07 with Attachment A Proposed Emergency Regulation

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ATTACHMENT 1**

CITY OF RICHMOND RENT BOARD RESOLUTION NO. 22-07

ADOPTING TEMPORARY REGULATIONS FOR MAINTAINENCE OF NET OPERATING INCOME PETITIONS THAT WERE PREVIOUSLY FILED DURING THE STATE OF CALIFORNIA’S DECLARED EMERGENCY AND/OR THE CITY OF RICHMOND’S LOCAL EMERGENCY DUE TO THE IMPACTS OF THE NOVEL CORONAVIRUS (COVID-19) OUTBREAK IN THE CITY OF RICHMOND.

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 10, 2020, the Contra Costa County Board of Supervisors and Contra Costa Health Services declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 13, 2020, to respond to the unique and continuing public health and safety challenges presented by COVID-19, the Contra Costa County Superior Court closed all locations beginning Monday, March 16, 2020; and

WHEREAS, on March 16, 2020, the Health Officer of Contra Costa County issued an Order through April 7, 2020 that directed all individuals living in the county to shelter at their place of residence except that they may leave to provide or receive certain essential services or engage in certain essential activities and work for essential businesses and governmental services; and

WHEREAS, on March 17, 2020, the City Manager, in her role as the Director of Emergency Services, proclaimed the existence of a local emergency pursuant to Chapter 2.20 of the Richmond Municipal Code, and issued an Order that suspended nonpayment of rent evictions in the City of Richmond; and

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20, which directed residents of California to follow state public health directives to stay home or at their place of residence to preserve the public health and safety and capabilities of the healthcare delivery system; and

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WHEREAS, in March of 2020, the Center of Disease Control and Prevention, the California Department of Health, and the Contra Costa County Department of Public Health all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, on or about March 30, 2020, the Executive Director of the Richmond Rent Program, following local and state guidance, required that the Rent Program's in-person housing counseling sessions be altered to virtual counseling sessions until a time where the virus and its communicability is brought under control; and

WHEREAS, on April 27, 2020, the City of Richmond found that housing displacement due to rent increase and evictions occurring during the local emergency would hinder individuals from complying with state and local directives to shelter in place, and would lead to the increased spread of Covid-19; and

WHEREAS, on April 27, 2020, the City of Richmond further found that there was an urgent need for the City to enact substantive limitations on evictions and enact a moratorium on rent increases to protect the health, safety, and welfare of its residents in light of the emergency declared regarding the Covid-19 pandemic; and

WHEREAS, on April 27, 2020, the City of Richmond City Manager issued an Order which, among other things, suspended an owner's ability to increase residential real property rent through May 31, 2020; and

WHEREAS, on May 26, 2020, the City of Richmond City Manager extended her April 27, 2020, Order, setting it to expire on July 15, 2020; and

WHEREAS, on July 14, 2020, the City of Richmond City Manager extended her April 27, 2020, Order, setting it to remain in effect until the City Council took action to extend the Order to a date certain, terminate the Order or decline to extend the Order; and

WHEREAS, on July 21, 2020, the City of Richmond City Council ratified the City Manager's July 14, 2020, extension and Ordered that the extension expire on September 30, 2020; and

WHEREAS, on October 1, 2020, the City of Richmond City Manager's April 27, 2020, extended Order expired; however, Richmond residents remained covered under Contra Costa County's eviction and rent moratorium, which, among other things, suspended owners' ability to increase rents; and

WHEREAS, on March 31, 2021, the City of Richmond City Council adopted an Urgency Ordinance, which suspended an owner's ability to perform certain evictions; and

WHEREAS, Richmond Municipal Code Section 11.100, et seq., requires that the Richmond Rent Board control excessive rent increases and arbitrary evictions to the greatest

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extent allowable under California law, while ensuring Landlords a fair and reasonable return on their investment; and

WHEREAS, pursuant to Richmond Municipal Code 11.100.070(d), the Richmond Rent Board, at the recommendation of Kenneth Barr, adopted a petition process that utilized the Maintenance of Net Operating Income methodology, as a way for owners to assert their right to a fair return; and

WHEREAS, the Richmond Rent Board has received constituent concerns regarding the impact Covid-19 had on their ability to fully pursue their Maintenance of Net Operating Income petitions and assert their right to a fair return; and

WHEREAS, the Rent Board has recognized that Covid-19 has had a profound impact on both the lives of Richmond residents and how the Rent Program has had to navigate the conducting of business during the pandemic, such as having to temporarily alter its in person housing counseling sessions to virtual sessions; and

WHEREAS, the Richmond Municipal Code 11.100.070(k), explains that no provision of the Rent Ordinance shall be applied so as to prohibit the Board from granting an individual rent adjustment that is demonstrated by the Landlord to be necessary to provide the Landlord with a fair return on investment; and

WHEREAS, based on the aforementioned recitals, the Richmond Rent Board finds it necessary to adopt a temporary Regulation which would allow those landlords that filed a Maintenance of Net Operating Income petition during the Local Emergency, but failed to continue to pursue the petition, to directly request the Rent Board permit them to continue to pursue their previously timely filed Maintenance of Net Operating Income petition as their failure to pursue the petition was based on Good Cause.

NOW, THEREFORE, BE IT RESOLVED THAT:

The City of Richmond Rent Board adopts the Regulations contained in Attachment A which will do the following:

- 1) Permit an owner, who filed a Maintenance of Net Operating Income petition during the Richmond Local Emergency but failed to pursue their petition, to request the Rent Board Order the Hearing Examiner to reconsider their previously timely filed Maintenance of Net Operating Income petition.

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Attachment A

Emergency Regulation No. 22-07

Reconsideration of Previously Filed Maintenance of Operating Income Petition During the Local
Emergency

1. **Recitals.** The City of Richmond Rent Board finds the foregoing recitals to be true and correct and hereby incorporates such findings into this Regulation.
2. **Purpose and Intent.** The purpose and intent of this Regulation is to add assurance to a Landlord's right to a fair return by addressing the impact that Covid-19 may have had on a Landlord's ability to pursue their previously timely filed Maintenance of Net Operating Income petition. This Regulation in no way prevents a Tenant from contesting a Landlord's previously timely filed Maintenance of Net Operating Income petition pursuant to Regulation 905.
3. **Applicability.** This Regulation only applies to those Landlords who previously timely filed a Maintenance of Net Operating Income petition during the Local Emergency but either had their petition withdrawn or dismissed.
4. **Construction.** This Regulation in no way alters Regulation 905, except where it permits a Landlord to revive and pursue a previously timely filed Maintenance of Net Operating Income petition. In all other respects, Regulation 905 applies.
5. **Definition.**

"Local Emergency" includes any period of local emergency declared by the City of Richmond in response to the Covid-19 pandemic.

"Current Year" for purposes of this Regulation shall be the calendar year preceding the Landlord's previously timely filed Maintenance of Net Operating Income petition that was later withdrawn or dismissed.

6. **Rent Board Request for Reconsideration.** Where a Landlord previously timely filed a Maintenance of Net Operating Income petition during the Local Emergency, but the petition was either withdrawn or dismissed, the Landlord may directly request the Rent Board for an Order to have their withdrawn or dismissed Maintenance of Net Operating Income petition reconsidered by the Hearing Examiner. When making such a request, the Landlord shall do the following:
 - A. **Rent Program Form.** The Landlord shall submit the request on an approved Rent Program form. If the Rent Program receives the completed form within fourteen (14) days prior to the Rent Board's regularly scheduled meeting, the Landlord's request shall be agendaized and

heard at that month's Rent Board regularly scheduled meeting. Otherwise, the Landlord's request shall be agendized and heard at the next month Rent Board regularly scheduled meeting.

- B. Evidence.** The Landlord shall submit with their Request for Reconsideration relevant evidence demonstrating Good Cause for their failure to pursue their previously timely filed Maintenance of Net Operating Income petition which resulted in either a withdrawal or dismissal of the petition. For purposes of this Regulation, Good Cause shall mean the taking of reasonable efforts and acting with due diligence to timely pursue a previously timely filed Maintenance of Net Operating Income petition.
- C. Service.** The Landlord shall comply with the service requirements of Rent Board Regulation Chapter 8 and City of Richmond Rent Board Resolution 20-01 and serve those Tenants that were parties to the previously timely filed Maintenance of Net Operating Income petition for which the Landlord seeks Rent Board Reconsideration.
- D. Staff Recommendation.** Rent Program staff members may oppose a Landlord's Request for Reconsideration through an agendized staff report. If staff members choose to oppose the Landlord's Request for Reconsideration, staff members must provide the Landlord a copy of the staff report and any other documents it intends to rely on, within seven (7) days of the Rent Board meeting.
- E. Oral Argument.** No party has a right to oral argument. However, in its discretion, the Rent Board may permit the parties to present argument related to the Landlord's Request for Reconsideration. Where the Rent Board permits oral argument, the format shall adhere to Regulation 842(D).
- F. Good Cause.** No Landlord's Request for Reconsideration shall be granted unless the Rent Board finds by a Preponderance of the Evidence that the Landlord demonstrated they had Good Cause when failing to pursue their previously timely filed Maintenance of Net Operating Income petition. In its consideration, the Rent Board shall evaluate the following factors, whenever present, when making a determination of Good Cause:
1. Whether the Landlord had a Covid-19 related issue that impacted their ability to pursue their previously timely filed Maintenance of Net Operating Income petition.
 2. Whether the Landlord was notified of the consequences of withdrawing their previously timely filed Maintenance of Net Operating Income petition.
 3. Whether the Landlord was notified that their previously timely filed Maintenance of Net Operating Income petition lacked completeness prior to the dismissal of their petition.
 4. Whether the Landlord sought and/or received any services from a Richmond Rent Program Housing Counselor related to their previously timely filed Maintenance of Net Operating Income petition.

5. The degree of correspondence between the Landlord and any Rent Program staff member related to their previously timely filed Maintenance of Net Operating Income petition.
6. Whether the previously timely filed Maintenance of Net Operating Income petition was dismissed in error.
7. Any other circumstances relevant to the inquiry of Good Cause.

G. Decision and Order. At the same meeting which it hears the Landlord's request, the Rent Board shall make a decision by a majority vote to either deny or grant the Landlord's Request for Reconsideration. In either case, an Order shall issue to all parties within fourteen days (14), after the Rent has made its decision. If the request is denied, the Order shall include a statement that the request was denied and inform the Landlord of their right to file a Writ with the Superior Court. If the request is granted, the Order shall include a statement that the request was granted and inform the Landlord that a staff member will contact them to aid in the completion of their previously timely filed Maintenance of Net Operating Income petition.

7. Reconsidered Petition. In the event the Rent Board grants the Landlord's Request for Reconsideration, the following shall apply:

A. Previously Filed Petition. This Regulation does not permit the Landlord an opportunity to file a new petition or choose a filing date that differs from the date of the previously timely filed Maintenance of Net Operating Income petition. Rather, the Landlord's actual previously timely filed Maintenance of Net Operating Income petition shall be evaluated and reconsidered by Rent Program Staff members. If the previously timely filed Maintenance of Net Operating Income petition was dismissed, Rent Program staff members shall recover the previously filed petition and email the Landlord, identifying the areas of deficiencies that resulted in the dismissal, consistent with Rent Board Regulation Chapter 8. The Landlord shall have thirty (30) days to respond with the necessary supplemental information to cure the deficiencies.

If the Landlord's previously timely filed Maintenance of Net Operating Income petition was withdrawn, Rent Program staff members shall recover the previously filed petition and determine whether it contains sufficient information for review. In the event that it does not contain sufficient information, Rent Program staff members shall email the Landlord and identify the areas of deficiencies that resulted in the dismissal, consistent with Rent Board Regulation Chapter 8. The Landlord shall have thirty (30) days to respond with the supplemental information necessary to cure the deficiencies.

If the previously timely filed Maintenance of Net Operating Income petition was withdrawn and Rent Program staff members have deemed it adequate for review in accordance with Rent Board Regulation Chapter 8, Rent Program staff members shall recover the previously filed petition and handle the petition as it would normally handle timely filed petitions pursuant to

Rent Board Regulation Chapter 8.

- B. Evaluation of Prior Filed Petitions.** The Evaluation of a previously timely filed Maintenance of Net Operating Income petition shall occur in the same manner as any other timely filed petition for Maintenance of Net Operating Income. In no event, shall a Landlord be permitted to include cost and/or income in their previously timely filed Maintenance of Net Operating Income petition that was not incurred in the Current Year, as defined by this Regulation. All relevant deadlines shall apply and shall be strictly construed.
- 8. Effective Date.** This Regulation will be effective immediately on the date when it is adopted by the Richmond Rent Board and shall expire sixty (60) days after the end of the Local Emergency.