

Item G-1: PROPOSED EMERGENCY REGULATION

July 20, 2022 | Regular Meeting of the Richmond Rent Board

Item G-1: 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.

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Item G-1: Statement of the Issue Cont'd

As of June 2022, the Rent Board has heard from a handful of 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those Landlords who had filed their MNOI petition during the Local Emergency and later had their petition dismissed or withdrawn.

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Item G-1: Proposed Emergency Regulation

The Proposed Emergency Regulation would do the following:

1. Allow the Landlord to request the Rent Board Order the Hearing Examiner reconsider the Landlord's previously filed Maintenance of Net Operating Income petition.
2. Limited reconsideration to the duration of the Local Emergency and to only those MNOI petitions that were previously filed during the Local Emergency but were either withdrawn or dismissed.
3. Require 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.
4. Establish standards of Good Cause.
5. Allow staff members to oppose the Landlord's request to the Rent Board.
6. Require the Landlord notify all impacted Tenants regarding their request to the Rent Board.
7. If the Rent Board grants the Landlord's request, require the Hearing Examiner reconsider the previously timely filed Maintenance of Net Operating Income petition.

Item G-1: Proposed Emergency Regulation

The Proposed Emergency Regulation would do the following (continued):

8. The Regulation only authorizes the reconsideration of the actual previously timely filed MNOI petition and does not permit a Landlord to submit a new Maintenance of Net Operating Income petition in place of the previously filed petition.
9. The Regulation 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.
10. The 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.

Item G-1: AGENDA Action

DISCUSS and ADOPT Emergency Resolution 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 timely filed Maintenance of Net Operating Income petition– Rent Program (Charles Oshinuga/Nicolas Traylor 620-6564).