



**REGULAR MEETING OF THE RENT BOARD OF THE CITY OF RICHMOND**

**AGENDA**  
**Wednesday, September 21, 2022**

**Link to Rent Board Meeting Agendas and Accompanying Materials:**  
[www.ci.richmond.ca.us/3375/Rent-Board](http://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/86385763394?pwd=aU9LWmtTSE0wTmd0cFE1VHJpdDJQZz09>

**Step 2:** Enter the following password: rentboard

**By Telephone:**

**Step 1:** Dial (for higher quality, dial a number based on your current location):

US: +1 669 444 9171 or +1 669 900 9128 or +1 346 248 7799 or +1 719 359 4580 or +1 253 215 8782 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or +1 386 347 5053 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860

**Step 2:** Webinar ID: 863 8576 3394

**Step 3:** Enter the following passcode: 881733195

International numbers available: <https://us02web.zoom.us/u/keJeTLLeLRO>

**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](mailto:cynthia_shaw@ci.richmond.ca.us) by **3:00 PM on Wednesday, September 21, 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](mailto: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**

- |             |  |                         |
|-------------|--|-------------------------|
| <b>F-1.</b> | APPROVE the minutes of the August 17, 2022, Regular Meeting of the Richmond Rent Board.  | <i>Cynthia Shaw</i>     |
| <b>F-2.</b> | RECEIVE the Fiscal Year 2022-23 Monthly Activity Report through August 2022.   | <i>Cynthia Shaw</i>     |
| <b>F-3.</b> | RECEIVE letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100.   | <i>Cynthia Shaw</i>     |
| <b>F-4.</b> | RECEIVE the Rent Program FY 2022-23 Monthly Revenue and Expenditure Report through August 2022.  | <i>Fred Tran</i>        |
| <b>F-5.</b> | APPROVE late fee waiver(s) for August 2022 pursuant for Regulation 425.  | <i>Nicolas Traylor</i>  |
| <b>F-6.</b> | 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. | <i>Charles Oshinuga</i> |

- F-7.** Consider for Approval of a Request for Reconsideration of a Previously Filed Maintenance of Net Operating Income Petition during the Local Emergency for 420-430 Golden Gate Avenue.

*Nicolas Traylor*

## **G. CONSIDERATION OF APPEALS**

- G-1.** Appellant appeals only the portion of the Hearing Examiner's Decision that awarded Respondents \$2,096 due to reduction of Housing Services related to various impairments contained within the bathroom. Specifically, the Hearing Examiner found that Respondents met their burden in demonstrating a decrease in Housing Services where the Respondents showed that use of the bathtub and bathroom were diminished/impaired as it contained broken tile that was a cutting hazard, grouting issues, and holes, which allowed pest to crawl into the tub and reside. Additionally, the Hearing Examiner found that the Respondents provided notice to Appellant of the bathroom issues and the Appellant failed to adequately address the issue for 1,003 days.

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

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 21, 2022

Final Decision Date Deadline: September 21, 2022

**STATEMENT OF THE ISSUE:** The minutes of the August 17, 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 August 17, 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**, August 17, 2022.

The Regular 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/88192228499?pwd=eVRjSHJqR3pRaFF2djU1NXF3NWRBdz09>

Password: rentboard

**Or By Telephone:**

US: +1 669 900 9128 or +1 669 444 9171 or +1 346 248 7799 or +1 719 359 4580 or +1 253 215 8782 or +1 386 347 5053 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799

**Step 2:** Webinar ID: 881 9222 8499

International numbers available:

<https://us02web.zoom.us/j/kX1zGQ9fe>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, August 17, 2022, to the Rent Board Clerk, Cynthia Shaw at [cynthia\\_shaw@ci.richmond.ca.us](mailto: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.

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

None.

**PUBLIC FORUM**

Cordell Hindler invited the Board to attend the Richmond Rotary Club Weekly Meeting on Friday, August 19th, held at the Richmond Country Club. He also restated his comments from the July meeting about Consent Calendar Item F-5 regarding City legislative bodies continuing to meet via videoconference and teleconference. He mentioned that he attended the City of El Cerrito's City Council meeting, which was held as a hybrid meeting. He feels holding hybrid meetings would be beneficial because it will allow the public to participate in the chambers virtually. He asks if the Rent Board would consider holding hybrid meetings soon.

Elsa Stevens submitted a request to speak but was not present when her name was called.

Elda Fontano, resident of Heritage Park at Hilltop Apartments, expressed concerns about the \$60.00 rent increase imposed on the Tenants. She mentioned that she is a disabled senior citizen who makes less than \$2,400.00 monthly. She expressed that it was difficult to pay \$1,203.00 rent per month and pay utilities and food, and now management is increasing the rent an additional \$60.00 to total \$1263.00. She mentioned that the rent would be too expensive, and the cap should never be over 3% for senior citizens. She said it would be too high and she could not afford it. She doesn't qualify for low-income housing, but many residents in the building are in the same situation as she. She asks the Board to work on the residents' behalf who are impacted by the

rent increase to keep the rents low and decrease the rent by less than 3% immediately.

Laureen Lober submitted her comment by email as well as commented by telephone. Laureen is a resident of Heritage Park Apartments at Hilltop. She expressed that the residents received a rent increase notice of 5.2%, effective on October 2022. She also said that the \$63.00 rent increase, which equals \$756.00 annually would burden seniors on fixed incomes with tight budgets. She also mentioned that routine maintenance, utilities, cable, and internet might not be possible because living expenses are a struggle. She feels USA Properties is profiting from the LITECH tax credit investment property. She also mentioned that rents are not affordable and fair market rent is not reasonable at Heritage Park. She also said that other LITECH properties are more affordable than Heritage Park. She also stated the amenities at Heritage Park had been reduced, and most of the dumpsters that residents were paying for have been removed causing an overflow of garbage, which is a public hazard. She asks the Board to help with this issue because the residents are out of options. She also asks the Board to listen to the comments and read her email regarding this issue.

Cashay Duncan commented by email about the rent increase imposed on the residents at Heritage Park Apartments at Hilltop. *The email will be included in the September 21, 2022, Rent Board Meeting Packet, under Item F-3 for Constituent Letters.*

### **RENT BOARD CONSENT CALENDAR**

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

\*F-1. Approve the minutes of the July 20, 2022, Regular Meeting of the Richmond Rent Board.

\*F-2. Receive the Fiscal Year 2022-23 Monthly Activity Report through July 2022.

\*F-3. Receive the Rent Program FY 2022-23 Monthly Revenue and Expenditure Report through July 2022.

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

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

**CONTRACTS**

G-1. The matter to approve amendments to the contract for community legal services with Bay Area Legal Aid, increasing the contract amount by \$62,500.00 for Fiscal Year 2022-23, modifying the term to commence on September 1, 2022, through June 30, 2023, and additions, clarifications, and corrections made to the contract Service Plan and Goals was presented by Adam Poe, Managing Attorney for Bay Area Legal Aid. The presentation included information about the scope of services they provided the Richmond Community during the Fiscal Year 2021-2022. Discussion ensued. There were no public comments on this item. A motion by Vice Chair Mishek, seconded by Board Member Johnson, to approve amendments to the contract for community legal services with Bay Area Legal Aid, increasing the contract amount by \$62,500.00 for Fiscal Year 2022-23, modifying the term to commence on September 1, 2022, through June 30, 2023, and additions, clarifications, and corrections made to the contract Service Plan and Goals, passed by the following vote: Ayes: Board Members Johnson, Vasilas, Vice Chair Mishek and Chair Finlay. Noes: Board Member Conner.

**RENT BOARD AS A WHOLE**

H-1. The matter to approve receipt of and authorize use of the \$10,000.00 Rent Relief Partner Grant for partnering in the establishment of Richmond's rent assistance program, was presented by Executive Director Nicolas Traylor. The presentation included the statement of the issue, background about the Richmond Rent Assistance Program, the purpose of the \$10,000.00 grant, information about the use of the funds, and the recommended action. Discussion Ensued. There were no public comments on this item. A motion by Board Member Johnson, seconded by Vice Chair Mishek to approve receipt of and authorize use of the \$10,000.00 Rent Relief Partner Grant for partnering in the establishment of Richmond's rent assistance program. Board Member Johnson withdrew her motion to include direction to staff.

A new motion by Board Member Johnson, seconded by Vice Chair Mishek, to approve receipt of and authorize use of the \$10,000.00 Rent Relief Partner Grant for partnering in the establishment of Richmond's rent assistance program and directed to staff to return to the Board with options for use of the funds, passed by the following vote: **Ayes:** Board Members Conner, Johnson, Vasilas, Vice Chair Mishek and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

H-2. The matter to recommend the City Council consider the eviction moratorium and (1) terminate the moratorium, (2) amend the moratorium to allow a property owner to evict a tenant so that the owner may move into the property, or (3) make no changes was presented by Interim Assistant City Attorney Heather McLaughlin. The presentation included information about how a constituent brought the issue to the attention of Councilmember Bates, asking if the city could redo the Moratorium Eviction to allow an owner or owner's relative to move into a property. Before presenting this item to the City Council, Councilmember Bates is seeking the Rent Boards' consideration and recommendation to either keep the ordinance as is, change the ordinance to allow for Owner Move-Ins or continue the moratorium. Discussion Ensued. Due to the number of commenters, the Board allowed each speaker 1.30 minutes to address the Board and an additional minute for individuals who required interpretation. The following individuals gave comments: Suilma Navarrete, Ana Gonzalez, Juana Trejo, and Ilona Clark.

The following individuals requested to speak on this item but was not present when their name was called: Elsa Stevens, Rosa Villagrand, Asuncion Carmona, Irene Gonzalez, Maria Dias, Raul Vasquez, Elda Fontano, Sam Lewis, and Blanca Retano.

A motion by Board Member Johnson recommends the City Council consider option (3) to make no changes to the eviction moratorium. Motion failed due to lack of a second.

A new motion by Vice Chair Mishek recommends that the Rent Board make no recommendation on an action that the City Council should take; therefore, taking no action on this item, seconded by Chair Finlay, and failed due to the following lack of votes: **Ayes:** Vice Chair Mishek and Chair Finlay. **Noes:** Board Members Conner, Johnson, and Vasilas. **Abstentions:** None. **Absent:** None.

Due to failed motions and lack of votes, the Board decided to take no action on this item.

**REPORTS OF OFFICERS**

I-1. Executive Director Nicolas Traylor introduced Senior Management Analyst Mónica Bejarano to give a brief report on this item. Senior Management Analyst Mónica Bejarano introduced to the Board our new Rent Program Services Analysts, John Adams and Edward Argenal. They were hired at the beginning of August 2022 to assist with counseling the public regarding the ordinance.

Rent Program Services Analyst John Adams briefly introduced himself, working in the Library Department for seven years and transferring to the Rent Program. He also mentioned that he enjoys being a part of the team, and he enjoyed the Rent Board meeting discussions.

Rent Program Services Analyst Edward Argenal briefly introduced himself, saying that he is new to the City of Richmond, originally from Martinez, and currently pursuing his education at Cal State East Bay. He is also excited to be a part of the team.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:14 P.M.

Cynthia Shaw  
Staff Clerk

(SEAL)

Approved:

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Virginia Finlay, Rent Board Chair

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 21, 2022

Final Decision Date Deadline: September 21, 2022

**STATEMENT OF THE ISSUE:** The Monthly Activity Report is designed to provide members of the Rent Board and Richmond community with a quantitative summary of the Rent Program's activities for the month and fiscal year-to-date.

## INDICATE APPROPRIATE BODY

- |   |   |  |  |   |
|---|---|--|--|---|
| <input type="checkbox"/> City Council               | <input type="checkbox"/> Redevelopment Agency                             | <input type="checkbox"/> Housing Authority     | <input type="checkbox"/> Surplus Property Authority          | <input type="checkbox"/> Joint Powers Financing Authority |
| <input type="checkbox"/> Finance Standing Committee | <input type="checkbox"/> Public Safety Public Services Standing Committee | <input type="checkbox"/> Local Reuse Authority | <input checked="" type="checkbox"/> Other: <u>Rent Board</u> |   |

## ITEM

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) |  |  |
| <input type="checkbox"/> Public Hearing   | <input type="checkbox"/> Regulation  | <input checked="" type="checkbox"/> Other: <u>Consent Calendar</u> |
| <input type="checkbox"/> Contract/Agreement   | <input type="checkbox"/> Rent Board As Whole                                     |  |
| <input type="checkbox"/> Grant Application/Acceptance                                 | <input type="checkbox"/> Claims Filed Against City of Richmond                   |  |
| <input type="checkbox"/> Resolution   | <input type="checkbox"/> Video/PowerPoint Presentation (contact KCRT @ 620.6759) |  |

**RECOMMENDED ACTION:** RECEIVE the Fiscal Year 2022-23 Monthly Activity Report through August 2022 - Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

**F-2.**

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**Rent Program  
FY2022-23 Monthly Activity Report**

**ITEM F-2**

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
		Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	
		MTD ACTUAL	YTD TOTAL											
<b>3 Public Information &amp; Enrollment Unit</b>														
5 Rent/Eviction Counseling Appointments By Phone		178	187	-	-	-	-	-	-	-	-	-	-	365
6 Rent/Eviction Counseling Appointments By Walk-ins		4	2	-	-	-	-	-	-	-	-	-	-	6
7 Rent/Eviction Counseling Questions Addressed By Email		156	213	-	-	-	-	-	-	-	-	-	-	369
<b>8 TOTAL RENT/EVICTION COUNSELING APPOINTMENTS</b>		<b>338</b>	<b>402</b>	-	-	-	-	-	-	-	-	-	-	<b>740</b>
9 Rent/Eviction Counseling Sessions Conducted in Spanish		38	26	-	-	-	-	-	-	-	-	-	-	64
10 Rent/Eviction Counseling Sessions Conducted in Mandarin		-	-	-	-	-	-	-	-	-	-	-	-	-
11 Rent/Eviction Counseling Sessions Conducted in Cantonese		-	1	-	-	-	-	-	-	-	-	-	-	1
12 Rent/Eviction Counseling Sessions Conducted in Another Language		-	-	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL RENT/EVICTION COUNSELING APPOINTMENTS IN A LANGUAGE OTHER THAN ENGLISH</b>		-	27	-	-	-	-	-	-	-	-	-	-	<b>27</b>
14 Legal Service Referrals		20	19	-	-	-	-	-	-	-	-	-	-	39
17 Mediations Conducted		11	3	-	-	-	-	-	-	-	-	-	-	14
18 Assists from Front Office Staff		5	5	-	-	-	-	-	-	-	-	-	-	10
19 Courtesy Compliance Letters Sent		38	224	-	-	-	-	-	-	-	-	-	-	262
20 Community Workshop Attendees		-	-	-	-	-	-	-	-	-	-	-	-	-
21 Hard Copy Rent Increase Notices Processed		62	52	-	-	-	-	-	-	-	-	-	-	114
22 Hard Copy Termination of Tenancy Notices Processed		7	5	-	-	-	-	-	-	-	-	-	-	12
<b>24</b>		<b>69</b>	<b>57</b>	-	-	-	-	-	-	-	-	-	-	<b>126</b>
25 Billing/Enrollment/Registration Counseling Appointments In-Person		-	-	-	-	-	-	-	-	-	-	-	-	-
26 Billing/Enrollment/Registration Counseling Appointments By Phone		36	62	-	-	-	-	-	-	-	-	-	-	98
27 Billing/Enrollment/Registration Counseling Questions Addressed By Email		51	84	-	-	-	-	-	-	-	-	-	-	135
<b>28 TOTAL BILLING/ENROLLMENT/REGISTRATION COUNSELING APPOINTMENTS</b>		<b>87</b>	<b>146</b>	-	-	-	-	-	-	-	-	-	-	<b>233</b>
29 Enrollment/Tenancy Registration Packets Mailed		10	-	-	-	-	-	-	-	-	-	-	-	10
30 Enrollment Forms Processed		25	15	-	-	-	-	-	-	-	-	-	-	40
31 Rental Housing Fee Invoices Generated		29	5,603	-	-	-	-	-	-	-	-	-	-	5,632
32 Checks Processed		8	106	-	-	-	-	-	-	-	-	-	-	114
33 Checks Returned		2	5	-	-	-	-	-	-	-	-	-	-	7
34 Tenancy Registrations Received		30	12	-	-	-	-	-	-	-	-	-	-	42
35 Rental Units Discovered Not in Database		1	2	-	-	-	-	-	-	-	-	-	-	3
36 Property Information Updated		46	71	-	-	-	-	-	-	-	-	-	-	117
37 Compliance Actions (Reviewing Records, Exemption Statuses, Addresses)		-	7	-	-	-	-	-	-	-	-	-	-	7
38 Applications for Administrative Determination of Exempt/Inapplicable Status Received		2	7	-	-	-	-	-	-	-	-	-	-	9
39 Administrative Determination of Exempt/Inapplicable Status Issued		-	-	-	-	-	-	-	-	-	-	-	-	-
40 Declarations of Exemption Processed		-	-	-	-	-	-	-	-	-	-	-	-	-
<b>41 LEGAL UNIT</b>														
42 Public Records Act Requests Received		2	1	-	-	-	-	-	-	-	-	-	-	3
43 Owner Move-In Eviction Termination of Tenancy Notices Reviewed		-	-	-	-	-	-	-	-	-	-	-	-	-
44 Withdrawal from the Rental Market (Ellis Act) Termination of Tenancy Notices Reviewed		-	-	-	-	-	-	-	-	-	-	-	-	-
45 Substantial Repairs Termination of Tenancy Notices Reviewed		-	-	-	-	-	-	-	-	-	-	-	-	-
46 Appeal Hearings Held		-	-	-	-	-	-	-	-	-	-	-	-	-
<b>47 HEARINGS UNIT</b>														
50 Consultations with Hearings Unit Coordinator By Phone		3	5	-	-	-	-	-	-	-	-	-	-	8
51 Hearings-Related Questions Addressed by Email		34	43	-	-	-	-	-	-	-	-	-	-	77
<b>52 TOTAL HEARINGS-RELATED CONSULTATIONS</b>		<b>37</b>	<b>48</b>	-	-	-	-	-	-	-	-	-	-	<b>85</b>
53 MNOI Petitions Received (Attachment A)		-	-	-	-	-	-	-	-	-	-	-	-	-
54 Increased in Occupants Petitions Received (Attachment B)		1	-	-	-	-	-	-	-	-	-	-	-	1
55 Increase in Space or Services Petitions Received (Attachment C)		-	-	-	-	-	-	-	-	-	-	-	-	-
56 Restoration of Denied AGA Petitions Received (Attachment D)		-	-	-	-	-	-	-	-	-	-	-	-	-
57 Landlord Individual Rent Adjustment Petitions Received		1	-	-	-	-	-	-	-	-	-	-	-	1
58 Landlord Petition to Determine Exempt Status Received		-	-	-	-	-	-	-	-	-	-	-	-	-
<b>59 TOTAL LANDLORD PETITIONS RECEIVED</b>		<b>2</b>	-	-	-	-	-	-	-	-	-	-	-	<b>2</b>
60 Excess Rent or Failure to Return Sec Dep Petitions Received (Attachment A)		1	-	-	-	-	-	-	-	-	-	-	-	1
61 Decrease in Space/Services or Habitability Petitions Received (Attachment B)		1	1	-	-	-	-	-	-	-	-	-	-	2
62 Reduction in Number of Tenants Petitions Received (Attachment C)		-	-	-	-	-	-	-	-	-	-	-	-	-
63 Tenant Petition Based on Multiple Grounds		1	1	-	-	-	-	-	-	-	-	-	-	2
64 Tenant Petition for Rent Withholding Petitions Received		-	-	-	-	-	-	-	-	-	-	-	-	-
65 Tenant Petition for Failure to Pay Relocation Payment Petitions Received		-	1	-	-	-	-	-	-	-	-	-	-	1
<b>66 TOTAL TENANT PETITIONS RECEIVED</b>		<b>3</b>	<b>3</b>	-	-	-	-	-	-	-	-	-	-	<b>6</b>
67 Petition for Determination of Occupancy Status		-	-	-	-	-	-	-	-	-	-	-	-	-

Rent Program  
FY2022-23 Monthly Activity Report

ITEM F-2

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
		Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	
		MTD ACTUAL	YTD TOTAL											
68	Petition for Initial Rent Determination	-	-	-	-	-	-	-	-	-	-	-	-	-
69	Request to Expedite Hearing Process	-	-	-	-	-	-	-	-	-	-	-	-	-
70	Request for a Continuance of the Hearing Process	-	1	-	-	-	-	-	-	-	-	-	-	1
71	Subpoena(s)	-	-	-	-	-	-	-	-	-	-	-	-	-
72	<b>TOTAL OTHER PETITIONS RECEIVED</b>	-	1	-	-	-	-	-	-	-	-	-	-	1
73	Decisions Ordered	1	2	-	-	-	-	-	-	-	-	-	-	3
74	Cases Settled	2	3	-	-	-	-	-	-	-	-	-	-	5
75	Cases Dismissed	-	-	-	-	-	-	-	-	-	-	-	-	-
76	Petitions Withdrawn	1	-	-	-	-	-	-	-	-	-	-	-	1
77	<b>TOTAL CASES CLOSED</b>	4	5	-	-	-	-	-	-	-	-	-	-	9
78	Appeals Received	1	2	-	-	-	-	-	-	-	-	-	-	3
79	Total Open Cases (Tenant Petitions)	3	2	-	-	-	-	-	-	-	-	-	-	5
80	Total Open Cases (Landlord Petitions)	14	13	-	-	-	-	-	-	-	-	-	-	27
81	Total Open Cases (Other Petitions)	-	1	-	-	-	-	-	-	-	-	-	-	1
82	<b>TOTAL OPEN CASES</b>	17	16	-	-	-	-	-	-	-	-	-	-	33
83	<b>Form Submissions</b>													
84	Agent Authorization	-	-	-	-	-	-	-	-	-	-	-	-	-
85	Proof of Excess Rent Refund	-	-	-	-	-	-	-	-	-	-	-	-	-
86	Proof of Permanent Relocation Payment	-	-	-	-	-	-	-	-	-	-	-	-	-
87	Proof of Temporary Relocation Payment	-	-	-	-	-	-	-	-	-	-	-	-	-
88	Change in Terms of Tenancy	22	19	-	-	-	-	-	-	-	-	-	-	41
89	<b>TOTAL RENT INCREASE NOTICES FILED</b>	213	218	-	-	-	-	-	-	-	-	-	-	431
90	Termination of Tenancy - Nonpayment of Rent	86	112	-	-	-	-	-	-	-	-	-	-	198
91	Termination of Tenancy - Breach of Lease	1	2	-	-	-	-	-	-	-	-	-	-	3
92	Termination of Tenancy - Failure to Give Access	-	-	-	-	-	-	-	-	-	-	-	-	-
93	Termination of Tenancy - Nuisance	-	3	-	-	-	-	-	-	-	-	-	-	3
94	Termination of Tenancy - Withdrawal from the Rental Market	1	-	-	-	-	-	-	-	-	-	-	-	1
95	Termination of Tenancy - Owner Move-In	-	-	-	-	-	-	-	-	-	-	-	-	-
96	Termination of Tenancy - Substantial Repairs	-	-	-	-	-	-	-	-	-	-	-	-	-
97	Termination of Tenancy - Temporary Tenancy	-	-	-	-	-	-	-	-	-	-	-	-	-
98	<b>TOTAL TERMINATION OF TENANCY NOTICES FILED</b>	88	117	-	-	-	-	-	-	-	-	-	-	205

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 21, 2022

Final Decision Date Deadline: September 21, 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> |   |

## 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 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

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**From:** [REDACTED]  
**Sent:** Wednesday, August 17, 2022 2:44 PM  
**To:** Cynthia Shaw  
**Subject:** Rent Board Meeting August 17, 2022. Public Forum Item E  
**Attachments:** 20220616\_180422.jpg; 20220816\_184432.jpg; 20220815\_180006.jpg; 20220816\_113737.jpg; 20220814\_165920.jpg

You don't often get email from [REDACTED]. [Learn why this is important](#)

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

Dear rent board members,

RE: SENIORS NEEDS - NOT CORPORATE GREED

I am a caregiver and am writing on behalf of my elderly relative that lives at Heritage Park at Hilltop in Richmond. They got a rent increase notice recently that they can't afford to pay and it is causing anxiety and stress.

They want to know how this increase is warranted. Heritage Park just keeps taking things away from the seniors and does less than when the apartments were first opened. The place looks like a dump with garbage and pigeon poop all over. The pigeons take over balconies and aren't usable. The trash rooms were locked and closed last year. There is no place to put soiled diapers or spoiled food that smells bad, except for the bin the trash service picks up from our apartment door laye at night. The hallway smells like a garbage dump. There are rats and coackroaches in the building.

What happened to the white elephant dumpster in the back lot? Are we supposed to put trash in the junk truck? Are we supposed to open those big doors to the trash compactor and throw stuff in there?

How can rents go up when this place is a mess and they don't care about the rent paying residents? The pictures tell the real story. Does this look like the mission statement on the owners website? How are they improving lives? They might understand profit better than people!

"About USA Properties Fund

Since our beginnings in 1981, our mission has been to create outstanding communities that meaningfully improve the lives of those within and around them. We understand housing as a conduit to addressing other social challenges- including health care, education, energy, and transportation- and we approach each project with equal focus on the bottom line and how we will benefit both our future residents and the cities in which these communities are located".

Rent Board, please do something to help these senior citizens. It's depressing and heart-breaking nobody seems to care about them.

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Cynthia Shaw

**From:** [REDACTED]  
**Sent:** Wednesday, August 17, 2022 1:50 PM  
**To:** Cynthia Shaw  
**Subject:** AUGUST 17, 2022, PUBLIC COMMENT REQUEST: ITEM 3 PUBLIC FORUM

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Dear Richmond Rent Board Members:

Residents at Heritage Park at Hilltop on Lakeside Drive in Richmond have received rent increase notices of 5.2 percent effective October 2022. This is a 192-unit complex for seniors, that is supposed to be "affordable" living. The rents are not affordable and fair market prices are not fair.

Although U.S.A. Property Fund, the property owner, is in compliance with the consumer price index rent increase, the \$63. monthly increase will be a burden for the senior residents that are on fixed incomes and struggling to pay their rent and bills that include, PG&E, phone, medical, insurance, caregivers, groceries, gas, transportation, etc. Cable and internet prices are astronomical and are considered a luxury. The yearly rent increase will be \$756. Routine car maintenance exceeds this amount. Keeping entertainment services like cable and internet may no longer be doable. Paying for groceries and utilities is already difficult. Our physical and mental health is greatly affected by stress. According to the CDC, "The risk of severe illness from COVID-19 increases with age". Hospitalization and death rates are higher for elders. Financial challenges are a daily reality for those of use on fixed incomes and tight budgets.

Recently, the Rent Board and Richmond City Council have heard numerous complaints from the public regarding the hardship the rent increases would have on Richmond residents. This includes the vulnerable population of senior citizens with limited resources and options.

**FACT: Heritage Park at Hilltop is a LIHTC property:** The Low-Income Housing Tax Credit (LIHTC) established under the Tax Reform Act of 1986, is the largest source of federal assistance for developing affordable rental housing and has financed about 2.9 million rental units. LIHTCs encourage private-equity investment in low-income housing through tax credits. Developers of awarded projects typically attempt to obtain funding for their projects by attracting third-party investors willing to invest in the project (provide up-front cash) in exchange for the ability to claim tax credits. The developer sells an ownership interest in the project to one or more investors, or in many instances, to a syndicator acting as an intermediary between the developer and investors.

**FACT: U.S.A. PROPERTIES FUND, ROSEVILLE, CALIFORNIA HAS THIRD PARTY INVESTORS**

Please read this informative report by McKinsey & Company and decide if the 5.2 rent increase is equitable, necessary and if profit margins and investors' interests are factors in the rent increase at Heritage Park at Hilltop. Keep in mind that other LIHTC property developers in Contra Costa County actually have affordable rents, which are 50% lower than Heritage Park at Hilltops' rent. Example: Affordable, 1 bedroom \$750. Not Affordable 1 bedroom \$1,200-1,500. Other senior complexes that are truly affordable have long waitlists. Heritage Park has had amenities reduced or closed during the Covid-19 pandemic. Why should we pay more now when we aren't getting more? Last week 3 garbage dumpsters were removed by the corporate office without any notice to the residents. Our smaller garbage bins in the community areas were already removed. We have had an overflow of garbage for years that is a serious public health and safety issue. Why

are our needs and health concerns being ignored and the corporate giants' desire for greater profits are being honored?

**FACT:** Once a niche investment approach thought to come at the expense of returns, environmental, social, and governance (ESG) investing—or strategies that align with a company’s ESG values—has grown into a \$30 trillion market as of 2019, according to a McKinsey & Co. report: Issues like energy consumption, greenhouse gas emissions, climate change, resource scarcity, health and safety, diversity and inclusion, and effective board oversight are all having a greater effect on the financial performance of companies and investors have taken notice. The 2019 Global Impact Investing Network (GIIN) Annual Impact Investor Survey results show the increasing scale and maturity of the impact investing industry. This most recent report includes responses from 266 leading impact investing organizations worldwide that manage \$239 billion of the more than \$502 billion U.S. market. One major underutilized strategy that could enable companies to significantly boost their ESG performance and mitigate ESG related risks is tax credit investments. By repurposing and redirecting a company’s estimated tax payments into qualified tax advantaged investments, companies can achieve triple bottom line results and fulfill their ESG commitments.

### **TAX CREDITS EXPLAINED**

A tax credit is a type of government sponsored tax incentive that can reduce a company’s tax liability dollar-for-dollar. The federal government uses tax credits to incentivize corporate taxpayers to invest in certain types of projects that produce economic, environmental, or social benefits. For these projects, the tax credit is an important source of capital, but many project developers do not have enough taxable income to take advantage of the tax credits themselves. In such cases, the developer may monetize the tax credit by attracting a “tax equity” investor, usually a corporate tax paying investor partner.

Tax equity is a term that is used to describe a passive equity ownership interest in a qualified project, where an investor receives a return, based not only on cash flow from the project, but also on tax benefits. In such a transaction, a partnership is typically formed among the parties to facilitate the investment and the allocation of tax credits, deductions, and distributions. The specifics of each partnership vary by project, tax credit type, and transaction structure.

In practice, a tax equity investment uses the same dollars that are earmarked to satisfy a company’s tax liability. The funds are repurposed and then invested into qualified projects that generate tax credits, such as a solar farm or an affordable housing project. The tax benefits generated from the project flow back to the investor, eliminating a corresponding amount of tax liability. Typically, the investor also receives a cash return generated through earnings from the project.

Sincerely,

Richmond Resident - Fed up with Unfair Rent Increases

**Cynthia Shaw**

---

**From:** [REDACTED]  
**Sent:** Tuesday, August 16, 2022 11:03 PM  
**To:** Nicolas Traylor; Charles Oshinuga; vfinlay@richmondrent.org; smishek@richmondrent.org; aconner@richmondrent.org; cjohnson@richmondrent.org; mvasilas@richmondrent.org  
**Cc:** Cynthia Shaw  
**Subject:** Request for MNOI filing beyond the following year of the current year

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Hi,

I am, [REDACTED], the landlord of [REDACTED], Richmond, CA 94801 since July 2016. I had filed MNOI for the current year of 2017 and received a rent increase in 2019. On the settlement agreement of MNOI dated on 1/22/2019, further repair were agreed to be completed. Thus, repair and capital improvement closed to the amount of \$60,000 were conducted and completed in 2019. I borrowed money from various financial institutions to finish all the work as stated on the settlement agreement and beyond, and thus I fulfilled my duties as a landlord and the agreement. I did plan on filing MNOI in the following year; however, I was going through a substantial hardship since the beginning of 2020. My partner, who had been battling Hodgkin lymphoma cancer for the last 15 years, was diagnosed for secondary cancer of leukemia. He was hospitalized for undergoing high-dose chemotherapy, in and out of ICU, never came home and passed away that year. I was his only caregiver, and so my time was filled with receiving phone/ facetime updates from nurses, doctors and physical therapists when visitors were not allowed in the hospital, visiting him in the hospital everyday and eventually staying overnights with him in the hospital, looking for clinical trials nationwide, calling his insurance company and filing grievance, seeking help from Managed Care and other agencies regulating California health care, advocating for his care in the hospital, and consulting with doctors nationwide for his treatment options. After he passed away, I took care all his estate matters as he was the only child and his parents were no longer alive. I also had to seek numerous (20-30) legal counsels from two states for resolving his business matters. In addition to handling all my partner's after death matters and grieving my loss, I work full time as a scientist, have to take care of my other rental property needs, and my son. With this life event requiring significant amount of time and efforts to deal with and, most of the time, prolonging to years, I really did not have time to file MNOI in time for the Richmond's property.

In 2022 when things start to subside, I reviewed the MNOI application and was surprised that the current year on the MNOI application form was printed as 2021, instead of blank, which can be filled with the current year that landlords would like to file. The counselor from Richmond Rent Control informed me that I could certainly file MNOI for the current year of 2019, but the application would be denied due to late filing and filing MNOI beyond the following year would be against the law. I spoke in public forum of the Rent Board Meeting on 6/15 requesting to be given grace period of time of filing MNOI for the current year of 2019 and 2021, as a result of the death of my partner. Even though I am at the year where the current year of 2021 for MNOI application can still be filed, I would lose 2019 rent increase when I file MNOI for the current year of 2021. I also listened to the recording of the meeting on 6/23 and 7/20, and reviewed Resolution No. 22-07, Adopted Rent Board Regulations Chapter 9, and Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance. I do not find a regulation stating that landlords would be denied for fair return when the MNOI application is submitted after the deadline. I also could not find anywhere on the Ordinance and Regulations Chapter 9 stating about the deadline of MNOI application, other than the definition of the current year, which is the year preceding the application. It is also stated that under the definition of the current year that "the current year CPI" should be the annual CPI for the current year. Therefore, filing MNOI application beyond the following year of the current year would not affect the calculation of any current year in MNOI application. The regulation that I found in both Adopted Rent Board Regulations Chapter 9 and Rent Control Ordinance is the following.

On Adopted Rent Board Regulations Chapter 9, Section 905 for Maintenance of Net Operating Income (MNOI) Fair Return Standard states the following.

(12) Constitutional Right to a Fair Return.

No provision of this regulation 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 meet the requirements of this ordinance and/or constitutional Fair Return requirements.

On Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance, Chapter 11.100.070 for Rent Control; Right of Reasonable Return for Landlords states the following.

(k) No provision of this chapter 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. Necessity shall be defined in regulations promulgated by the Board. Limits on the total increase per month and length of monthly increase shall be promulgated by the Board through regulations.

The statements above clearly stated that landlords shall be granted for the fair return of their investments when they are able to show the rent adjustment to be necessary. By dismissing my MNOI application due to filing beyond the following year of the current year would be a violation of a constitutional right to a fair return.

If I have misread, misunderstood and missed the statements made above, please correct me and provide me with the clarification. In the meantime, I would like to have these questions answered and provided with rationales.

1. What are the consequences of filing MNOI not in timely manner, besides tenants not knowing the exact year of getting rent increase? I believe that a delay in filing MNOI by landlords actually benefits tenants significantly in having their rent increased in much later time. In addition, after attending the meetings and hearing all the meeting recordings, I still don't get a clear answer of why MNOI can only be filed on the following year of the current year.
2. If MNOI application is denied due to landlords not fulfilling the due process, isn't it against the ordinance that landlords are denied for the right to receive the return of their investment? I believe this opens up a potential lawsuit.
3. Why is Resolution No.22-07 only catered to MNOI application filed in timely manner? This Resolution excludes landlords with late MNOI filing, resulting in denying the right of a fair return to landlords and thus violating the Rent Ordinance and Adopted Rent Board Regulation Chapter 9. There should be exception for landlords undergoing hardship or extension of filing time period of MNOI in general. I could not agree more with multiple speakers expressing the high degree of complexity on MNOI application in Richmond that longer period of time in filing MNOI is necessary. Keeping in mind, hardship does not only happen during pandemic or any local/ state/ federal emergency. Hardship happens to anyone at any time and thus the regulation should cover broader audience and circumstances to avoid the same matter brought up in the future.

Please review my concerns and responds to me in a timely manner. I appreciate it.



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# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 21, 2022

Final Decision Date Deadline: September 21, 2022

**STATEMENT OF THE ISSUE:** Utilizing the City's MUNIS software system, management staff can generate financial reports on a monthly basis detailing the Rent Program's revenues and expenditures. These reports allow management staff and the Rent Board to closely monitor the Program's financial circumstances.

## INDICATE APPROPRIATE BODY

- |   |   |  |  |   |
|---|---|--|--|---|
| <input type="checkbox"/> City Council               | <input type="checkbox"/> Redevelopment Agency                             | <input type="checkbox"/> Housing Authority     | <input type="checkbox"/> Surplus Property Authority          | <input type="checkbox"/> Joint Powers Financing Authority |
| <input type="checkbox"/> Finance Standing Committee | <input type="checkbox"/> Public Safety Public Services Standing Committee | <input type="checkbox"/> Local Reuse Authority | <input checked="" type="checkbox"/> Other: <u>Rent Board</u> |   |

## ITEM

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) |  |  |
| <input type="checkbox"/> Public Hearing   | <input type="checkbox"/> Regulation  | <input checked="" type="checkbox"/> Other: <u>Consent Calendar</u> |
| <input type="checkbox"/> Contract/Agreement   | <input type="checkbox"/> Rent Board As Whole                                     |  |
| <input type="checkbox"/> Grant Application/Acceptance                                 | <input type="checkbox"/> Claims Filed Against City of Richmond                   |  |
| <input type="checkbox"/> Resolution   | <input type="checkbox"/> Video/PowerPoint Presentation (contact KCRT @ 620.6759) |  |

**RECOMMENDED ACTION:** RECEIVE the Rent Program FY 2022-23 Monthly Revenue and Expenditure Report through August 2022 – Rent Program (Fred Tran 620-6537).

AGENDA ITEM NO:

**F-4.**

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**RICHMOND RENT PROGRAM**  
**MONTHLY REVENUE AND EXPENDITURES REPORT**  
**FISCAL YEAR 2022-23**

**ITEM F-4**

OBJECT	ORIGINAL BUDGET	ADOPTED BUDGET	Period 1	Period 2	ENCUMBRANCES	YTD TOTAL	AVAILABLE BUDGET	% USED
			July	August				
340445 Rental Housing Fees	(3,062,687.00)	(3,062,687.00)	(28,326.50)	(766,007.22)	-	(794,333.72)	(2,268,353.28)	25.9%
<b>TOTAL LICENSES, PRMITS&amp;FEES</b>	<b>(3,062,687.00)</b>	<b>(3,062,687.00)</b>	<b>(28,326.50)</b>	<b>(766,007.22)</b>	-	<b>(794,333.72)</b>	<b>(2,268,353.28)</b>	<b>25.9%</b>
361701 Interest	(14,000.00)	(14,000.00)	-	-	-	-	(14,000.00)	0.0%
361705 Realized Gain	-	-	-	-	-	-	-	100.0%
<b>TOTAL INTEREST INCOME</b>	<b>(14,000.00)</b>	<b>(14,000.00)</b>	-	-	-	-	<b>(14,000.00)</b>	<b>0.0%</b>
364855 OTHER REV/Misc Other Re	-	-	-	-	-	-	-	100.0%
364867 Revenue from Collections Agency	(30,000.00)	(30,000.00)	-	-	-	-	(30,000.00)	0.0%
337373 Other Grants	-	-	-	(10,000.00)	-	(10,000.00)	10,000.00	100.0%
<b>TOTAL OTHER REVENUE</b>	<b>(30,000.00)</b>	<b>(30,000.00)</b>	-	<b>(10,000.00)</b>	-	<b>(10,000.00)</b>	<b>(30,000.00)</b>	<b>33.3%</b>
<b>TOTAL REVENUE</b>	<b>(3,106,687.00)</b>	<b>(3,106,687.00)</b>	<b>(28,326.50)</b>	<b>(776,007.22)</b>	-	<b>(804,333.72)</b>	<b>(2,302,353.28)</b>	<b>25.9%</b>
400001 SALARIES & WAGES/Executive	719,901.00	719,901.00	58,309.76	58,309.76	-	116,619.52	603,281.48	16.2%
400002 SALARIES & WAGES/Mgmt-Local 21	313,701.00	313,701.00	13,345.14	25,351.72	-	38,696.86	275,004.14	12.3%
400003 SALARIES & WAGES/Local 1021	200,427.00	200,427.00	16,347.30	16,347.30	-	32,694.60	167,732.40	16.3%
400006 SALARIES & WAGES/PT- Temp	-	-	2,751.83	519.90	-	3,271.73	(3,271.73)	100.0%
400031 OVERTIME/General	-	-	682.14	75.69	-	757.83	(757.83)	100.0%
400048 OTHER PAY/Bilingual Pay	8,342.00	8,342.00	350.00	682.14	-	1,032.14	7,309.86	12.4%
400049 OTHER PAY/Auto Allowance	4,200.00	4,200.00	-	350.00	-	350.00	3,850.00	8.3%
400050 OTHER PAY/Medical- in Lieu of	-	-	-	-	-	-	-	100.0%
400058 OTHER PAY/Bonuses	-	-	-	-	-	-	-	100.0%
<b>TOTAL SALARIES AND WAGES</b>	<b>1,246,571.00</b>	<b>1,246,571.00</b>	<b>91,786.17</b>	<b>101,636.51</b>	-	<b>193,422.68</b>	<b>1,053,148.32</b>	<b>15.5%</b>
400103 P-ROLL BEN/Medicare Tax-ER Shr	18,207.00	18,207.00	1,345.70	1,477.98	-	2,823.68	15,383.32	15.5%
400105 P-ROLL BEN/Health Insurance Be	232,291.00	232,291.00	16,449.48	19,545.08	-	35,994.56	196,296.44	15.5%
400106 P-ROLL BEN/Dental Insurance	17,520.00	17,520.00	1,217.00	1,460.40	-	2,677.40	14,842.60	15.3%
400109 P-ROLL BEN/Employee Assistance	216.00	216.00	15.30	18.36	-	33.66	182.34	15.6%
400110 P-ROLL BEN/Professional Dev-Mg	6,750.00	6,750.00	750.00	-	-	750.00	6,000.00	11.1%
400111 P-ROLL BEN/Vision	2,052.00	2,052.00	143.10	171.72	-	314.82	1,737.18	15.3%
400112 P-ROLL BEN/Life Insurance	4,139.00	4,139.00	281.43	327.53	-	608.96	3,530.04	14.7%
400114 P-ROLL BEN/Long Term Disabilit	12,342.00	12,342.00	462.00	525.04	-	987.04	11,354.96	8.0%
400116 P-ROLL BEN/Unemployment Ins	5,472.00	5,472.00	456.00	494.00	-	950.00	4,522.00	17.4%
400117 P-ROLL BEN/Personal/Prof Dev	2,250.00	2,250.00	-	-	-	-	2,250.00	0.0%
400121 P-ROLL BEN/Worker Comp-Clerica	17,697.00	17,697.00	1,234.78	1,190.12	-	2,424.90	15,272.10	13.7%
400122 P-ROLL BEN/Worker Comp-Prof	70,286.00	70,286.00	4,872.54	5,688.98	-	10,561.52	59,724.48	15.0%
400127 P-ROLL BEN/OPEB	40,723.00	40,723.00	2,904.06	3,300.28	-	6,204.34	34,518.66	15.2%
400130 P-ROLL BEN/PARS Benefits	-	-	35.78	6.76	-	42.54	(42.54)	100.0%
400149 P-ROLL BEN/PERS-Misc	156,287.00	156,287.00	11,156.46	12,666.88	-	23,823.34	132,463.66	15.2%
400151 P-ROLL BEN/PERS-Misc (UAL)	286,056.00	286,056.00	19,865.10	23,838.12	-	43,703.22	242,352.78	15.3%
<b>TOTAL FRINGE BENEFITS</b>	<b>872,288.00</b>	<b>872,288.00</b>	<b>61,188.73</b>	<b>70,711.25</b>	-	<b>131,899.98</b>	<b>740,388.02</b>	<b>15.1%</b>
400201 PROF SVCS/Professional Svcs	143,455.00	143,455.00	-	260.16	17,289.84	260.16	125,905.00	12.2%
400206 PROF SVCS/Legal Serv Cost	210,000.00	210,000.00	12,500.00	10,416.00	114,584.00	22,916.00	72,500.00	65.5%
400220 PROF SVCS/Info Tech Ser	-	-	-	-	-	-	-	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	-	-	-	-	1,650.00	0.0%
400271 AD & PROMO/Advertising&Promo	800.00	800.00	-	-	-	-	800.00	0.0%
400280 ADM EXP/Program Supplies	5,380.00	5,380.00	-	96.01	-	96.01	5,283.99	1.8%
<b>TOTAL PROF &amp; ADMIN SERVICES</b>	<b>362,085.00</b>	<b>362,085.00</b>	<b>12,500.00</b>	<b>10,772.17</b>	<b>131,873.84</b>	<b>23,272.17</b>	<b>206,938.99</b>	<b>42.8%</b>
400231 OFF EXP/Postage & Mailing	17,300.00	17,300.00	137.37	-	-	137.37	17,162.63	0.8%
400232 OFF EXP/Printing & Binding	24,404.00	24,404.00	-	-	-	-	24,404.00	0.0%
400233 OFF EXP/Copying & Duplicating	500.00	500.00	-	-	-	-	500.00	0.0%
400304 RENTAL EXP/Equipment Rental	9,000.00	9,000.00	-	-	5,300.24	-	3,699.76	58.9%
400321 MISC EXP/Misc Contrib	2,000.00	2,000.00	-	-	-	-	2,000.00	0.0%
400322 MISC EXP/Misc Exp	2,000.00	2,000.00	-	-	-	-	2,000.00	0.0%
400341 OFF SUPP/Office Supplies	5,000.00	5,000.00	-	460.95	-	460.95	4,539.05	9.2%
<b>TOTAL OTHER OPERATING</b>	<b>60,204.00</b>	<b>59,904.00</b>	<b>137.37</b>	<b>460.95</b>	<b>5,300.24</b>	<b>598.32</b>	<b>54,005.44</b>	<b>9.8%</b>
400401 UTILITIES/Tel & Telegraph	500.00	500.00	-	-	-	-	500.00	0.0%
<b>TOTAL UTILITIES</b>	<b>500.00</b>	<b>500.00</b>	-	-	-	-	<b>500.00</b>	<b>0.0%</b>
400538 CONTRACT SVCS/Oth Cntrc	-	300.00	-	-	265.00	-	35.00	88.3%
400552 PROV FR INS LOSS/Ins Gen Liab	9,300.00	9,300.00	-	-	-	-	9,300.00	0.0%
<b>TOTAL PROVISION FOR INS LOSS</b>	<b>9,300.00</b>	<b>9,300.00</b>	-	-	-	-	<b>9,335.00</b>	<b>0.0%</b>
400574 COST POOL/(ISF)-Gen Liability	83,934.00	83,934.00	-	-	-	-	83,934.00	0.0%
400586 COST POOL/(CAP)- Admin Charges	52,481.00	52,481.00	-	-	-	-	52,481.00	0.0%
400591 COST POOL/(IND)/Civic Ctr Alloc	48,217.00	48,217.00	-	-	-	-	48,217.00	0.0%
<b>TOTAL COST POOL</b>	<b>184,632.00</b>	<b>184,632.00</b>	-	-	-	-	<b>184,632.00</b>	<b>0.0%</b>
<b>TOTAL EXPENDITURES</b>	<b>2,735,580.00</b>	<b>2,735,580.00</b>	<b>165,612.27</b>	<b>183,580.88</b>	<b>137,439.08</b>	<b>349,193.15</b>	<b>2,248,947.77</b>	<b>17.8%</b>
<b>NET OPERATING (SURPLUS)/DEFICIT</b>	<b>(371,107.00)</b>	<b>(371,107.00)</b>	<b>137,285.77</b>	<b>(592,426.34)</b>	<b>137,439.08</b>	<b>(455,140.57)</b>	<b>(53,405.51)</b>	<b>85.6%</b>
<b>CASH BALANCE</b>			<b>1,190,972.61</b>	<b>1,777,746.74</b>				

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# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 21, 2022

Final Decision Date Deadline: September 21, 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 July 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 August 2022 pursuant for Regulation 425 - Rent Program (Nicolas Traylor/510-620-6564).

AGENDA ITEM NO:

**F-5.**

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To: Members of the Richmond Rent Board

From: Monica Bejarano, Senior Management Analyst

Re: Late Fee Waiver Recommendation

Date: September 21, 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 September 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)
Megan Holbrook	August 08, 2022	New Owner, did not receive invoice	Full waiver of late fees	\$1,284.00	\$1,284.00	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 August 8, 2022, (Attachment 2) Carlos Valero, agent for the property owner, Megan Holbrook, at 351 S 42<sup>nd</sup>., indicated that the reason for paying late was that Megan Holbrook was a new owner, had not received an invoice, and was

unaware of the unpaid Fiscal Year fees by the previous owner. (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, Ms. Holbrook had not yet had an opportunity to make timely payments on behalf of 351 S. 42<sup>nd</sup> Street, 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 351 S. 42<sup>nd</sup> Street. is a Triplex built in 1965. (Attachment 4- Data Tree Report). Megan Holbrook purchased 351 S. 42<sup>nd</sup> St. in August 2021, inheriting the unpaid fees for fiscal years 2018-2019, 2019-2020, 2020-2021, 2021-2022, and 2022-2023. (Attachment 5- Invoice with Late Fees). Carlos Valero (Property Manager) paid the unpaid fees (minus late fees) on August 23, 2022 (Attachment 6-Receipt of Payment) and enrolled the property and registered the tenancies at 351 S. 42<sup>nd</sup> St. with the Richmond Rent Program on July 31, 2022 (Attachment 7- Property Enrollment and Tenancy Registration forms). Based on the above-mentioned facts, Megan Holbrook 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

Megan Holbrook 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, staff recommend that a full waiver of late fees, in the amount of \$1,284.00 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: \_\_\_\_\_

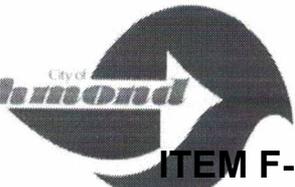
**Rent Program Staff Use Only:**

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: MEGAN HOLBROOK

FRJC #: RC22-513133022

Property Owner Phone Number or Email: \_\_\_\_\_

The Property Owner has requested the removal of late fees on their account totaling \$ 1284-  
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: NEW OWNER WAS UNAWARE THAT PREVIOUS OWNER WAS DELINQUENT ON FEES

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: Carlos Valero Date: 8/8/22

Printed Name: CARLOS VALERO

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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**Mónica Bejarano**

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**From:** Moises Serano  
**Sent:** Thursday, September 8, 2022 7:26 PM  
**To:** Fred Tran; Mónica Bejarano  
**Cc:** Nicolas Traylor; Ramona Howell; Julie Mendoza  
**Subject:** Late Fee Waiver Request - 351 S. 42nd Street - RC22-513133022  
**Attachments:** LFW - 009 - Megan Holbrook.zip

Good Evening Everyone,

Attached is the Late Fee Waiver Request that we received on August 8, 2022, for the units at 351 S.42<sup>nd</sup> St. The Late Fee Waiver was submitted by Property Manager Carlos Valero on behalf of the New Owner Megan Holbrook.

Here are some details of the property:

- Property 351 S. 42<sup>nd</sup> St. is a Triplex built in 1965 and all three units are rented out making them each Fully Covered under the Rent Ordinance
- Ms. Holbrook purchased the property in August 2021 (According to DataTree)
- The units contained unpaid Rental Housing Fees from the previous owner
- On July 31, 2022, Property Manager Carlos Valero submitted a Property Enrollment form and Tenancy Registration forms by way of email for the units at 351 S. 42<sup>nd</sup> St.
- On August 23, 2022, a payment was made by Mr. Valero (Property Manager) by way of check for the base fees of the following Fiscal Years – FY 2018-2019, 2019-2020, 2020-2021, 2021-2022, and 2022-2023

**Recommendation** – Since Ms. Holbrook was unaware of the unpaid Fiscal Year fees by the previous Owner, it is recommended that the Late Fee Waiver Request be fully granted. Additionally, Ms. Holbrook and her Property Manager Carlos Valero have acted in good faith by paying the unpaid Rental Housing Fees, enrolling the property, and registering the units with the Rent Program.

Attached to this email, please find a compressed folder containing the following documents:

1. Property Enrollment form for 351 S. 42<sup>nd</sup> St.
2. Tenancy Registration forms for 351 S. 42<sup>nd</sup> St
3. DataTree Report for 351 S. 42<sup>nd</sup> St
4. Invoice with Late Fees
5. Invoice without Late Fees
6. Receipt for Payment made on August 23, 2022

Please do not hesitate to contact me should you have any questions or require additional information.

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

**BEWARE! WIRE FRAUD IS ON THE RISE** Accepting wire & disbursement instructions via email can be dangerous, especially changes to those instructions. Always verify by calling the originator of the email!

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# Property Detail Report

351-355 S 42nd St, Richmond, CA 94804

APN: 513-133-022

# ITEM F-5 #1 ATTACHMENT 4

Reference ID: 513133022  
Contra Costa County Data as of: 09/01/2022

## Owner Information

Owner Name:	Holbrook Megan	Occupancy:	Absentee Owner
Vesting:	Unmarried Woman		
Mailing Address:	675 Trumbull Ave, Novato, CA 94947-3746		

## Location Information

Legal Description:	Tract 2972 Lot 31 Blk 3	County:	Contra Costa, CA
APN:	513-133-022	Alternate APN:	5131330226
Munic / Twnshp:		Twtnshp-Rng-Sec:	
Subdivision:	Amended Map Of The City Of Richmond	Tract #:	2972
Neighborhood:	Central / Richmond	School District:	West Contra Costa Unified School District
Elementary School:	Stege Elementary S...	Middle School:	Fred T. Korematsu...
Latitude:	37.92694	Longitude:	-122.33002
		Census Tract / Block:	382000 / 2002
		Legal Lot / Block:	31 / 3
		Legal Book / Page:	
		High School:	Kennedy High Schoo...

## Last Transfer / Conveyance - Current Owner

Transfer / Rec Date:	08/09/2021 / 08/10/2021	Price:	\$565,000	Transfer Doc #:	2021.222991
Buyer Name:	Holbrook Megan	Seller Name:	Cochrane Chris	Deed Type:	Grant Deed

## Last Market Sale

Sale / Rec Date:	08/09/2021 / 08/10/2021	Sale Price / Type:	\$565,000 / Full Value	Deed Type:	Grant Deed
Multi / Split Sale:		Price / Sq. Ft.:	\$251	New Construction:	
1st Mtg Amt / Type:	\$305,000 /	1st Mtg Rate / Type:	3.0 / Estimated	1st Mtg Doc #:	2021.222992
2nd Mtg Amt / Type:		2nd Mtg Rate / Type:		Sale Doc #:	2021.222991
Seller Name:	Cochrane Chris			Title Company:	Old Republic Title
Lender:	Intercap Lending Inc				

## Prior Sale Information

Sale / Rec Date:	08/20/2009 / 09/11/2009	Sale Price / Type:	\$221,000 / Full Value	Prior Deed Type:	Deed
1st Mtg Amt / Type:		1st Mtg Rate / Type:		Prior Sale Doc #:	2009.216937
Prior Lender:					

## Property Characteristics

Gross Living Area:	2,253 Sq. Ft.	Total Rooms:	3	Year Built / Eff:	1965 / 1965
Living Area:	2,253 Sq. Ft.	Bedrooms:		Stories:	1
Total Adj. Area:		Baths (F / H):		Parking Type:	Carport
Above Grade:	2,253 Sq. Ft.	Pool:		Garage #:	3
Basement Area:		Fireplace:		Garage Area:	
Style:		Cooling:		Porch Type:	
Foundation:		Heating:		Patio Type:	
Quality:		Exterior Wall:		Roof Type:	
Condition:		Construction Type:		Roof Material:	

## Site Information

Land Use:	Triplex	Lot Area:	7,500 Sq. Ft.	Zoning:	
State Use:		Lot Width / Depth:		# of Buildings:	1
County Use:	22 - Triplex	Usable Lot:		Res / Comm Units:	3 /
Site Influence:		Acres:	0.172	Water / Sewer Type:	
Flood Zone Code:	X	Flood Map #:	06013C0237G	Flood Map Date:	09/30/2015
Community Name:	City Of Richmond	Flood Panel #:	0237G	Inside SFHA:	False

## Tax Information

Assessed Year:	2022	Assessed Value:	\$700,000	Market Total Value:	
Tax Year:	2021	Land Value:	\$225,000	Market Land Value:	
Tax Area:	08-084	Improvement Value:	\$475,000	Market Imprv Value:	
Property Tax:	\$6,961.34	Improved %:	67.86%	Market Imprv %:	
Exemption:		Delinquent Year:			

# ITEM F-5 #1 ATTACHMENT 4

**Disclaimer:** This report: (i) is not an insured product or service or an abstract, legal opinion or a representation of the condition of title to real property, and (ii) is issued exclusively for the benefit of First American Data Tree LLC (Data Tree) customers and may not be used or relied upon by any other person. Estimated property values are: (i) based on available data; (ii) are not guaranteed or warranted; (iii) do not constitute an appraisal; and (iv) should not be relied upon in lieu of an appraisal. Data Tree does not represent or warrant that the information is complete or free from error, and expressly disclaims any liability to any person or entity for loss or damage caused by errors or omissions in the report. If the "verified" logo () is displayed, or a record is designated "verified," Data Tree's algorithm matched fields from two or more data sources to confirm source data.

School information is copyrighted and provided by GreatSchools.org.

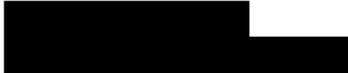


# RENTAL HOUSING FEE INVOICE

**INVOICE DATE: August 08, 2022**

Property Owner/Landlord Mailing Address

HOLBROOK MEGAN



Pay today ONLINE!  
 Visit [etrakit.ci.richmond.ca.us](https://etrakit.ci.richmond.ca.us)  
 Login using the *Contractor/Landlord* dropdown menu and finding the owner name printed above. Your password is set to 513133022.

FRJC Registration#: RC22-513133022

Page 1 of 2

APN/Situs Address	Applicable Fiscal Year	Amount Due
RC17-22763 / 513-133-022-6 / 351 S 42ND ST	FY 2018-2019	207.00
RC17-22763 / 513-133-022-6 / 351 S 42ND ST	FY 2019-2020	212.00
RC17-22763 / 513-133-022-6 / 351 S 42ND ST	FY 2020-2021	219.00
RC17-22763 / 513-133-022-6 / 351 S 42ND ST	FY 2021-2022	218.00
RC17-22763 / 513-133-022-6 / 351 S 42ND ST	FY 2022-2023	226.00
RC17-22763 / 513-133-022-6 / 351 S 42ND ST / LATE FEES	PRIOR LATE FEE	428.00
RC17-44114 / 513-133-022-6 / 353 S 42ND ST	FY 2018-2019	207.00
RC17-44114 / 513-133-022-6 / 353 S 42ND ST	FY 2019-2020	212.00
RC17-44114 / 513-133-022-6 / 353 S 42ND ST	FY 2020-2021	219.00
RC17-44114 / 513-133-022-6 / 353 S 42ND ST	FY 2021-2022	218.00
RC17-44114 / 513-133-022-6 / 353 S 42ND ST	FY 2022-2023	226.00
RC17-44114 / 513-133-022-6 / 353 S 42ND ST / LATE FEES	PRIOR LATE FEE	428.00
RC17-44115 / 513-133-022-6 / 355 S 42ND ST	FY 2019-2020	212.00
RC17-44115 / 513-133-022-6 / 355 S 42ND ST	FY 2020-2021	219.00

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 <a href="https://etrakit.ci.richmond.ca.us">https://etrakit.ci.richmond.ca.us</a> (2) Login using the <i>Contractor/Landlord</i> dropdown menu and finding your name (3) Your password is set to <span style="background-color: black; color: black;">XXXXXXXXXX</span>  <b>Amount Due: \$4,530.00</b>	(1) Make payable to "City of Richmond" (2) Write your FRJC Number in the memo line FRJC # RC22-513133022 (3) Remit to: City of Richmond c/o Finance Department 450 Civic Center Plaza Richmond, CA 94804

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

**AMOUNT DUE if paid by: September 12, 2022**

**ATTACHMENT 5**

**4,530.00**

AMOUNT DUE if paid after: September 12, 2022 :	4,530.00 + 67.80 10% Late Fee FY 22-23 FEES	4,597.80
AMOUNT DUE if paid after: October 12, 2022 :	4,530.00 + 169.50 25% Late Fee FY 22-23 FEES	4,699.50
AMOUNT DUE if paid after: November 11, 2022 :	4,530.00 + 339.00 50% Late Fee FY 22-23 FEES	4,869.00

**FRJC Registration#: RC22-513133022**

APN/Situs Address	Applicable Fiscal Year	Amount Due
RC17-44115 / 513-133-022-6 / 355 S 42ND ST	FY 2021-2022	218.00
RC17-44115 / 513-133-022-6 / 355 S 42ND ST	FY 2022-2023	226.00
RC17-44115 / 513-133-022-6 / 355 S 42ND ST / LATE FEES	PRIOR LATE FEE	428.00
RC17-44115 / 513-133-022-6 / 355 S 42ND ST	FY 2018-2019	207.00

**AMOUNT DUE if paid by: September 12, 2022**

**\$4,530.00**

AMOUNT DUE if paid after: September 12, 2022 :	4,530.00 + 67.80 10% Late Fee FY 22-23 FEES	4,597.80
AMOUNT DUE if paid after: October 12, 2022 :	4,530.00 + 169.50 25% Late Fee FY 22-23 FEES	4,699.50
AMOUNT DUE if paid after: November 11, 2022 :	4,530.00 + 339.00 50% Late Fee FY 22-23 FEES	4,869.00



CITY OF RICHMOND

ITEM F-5 #1  
ATTACHMENT 6  
9/8/2022

CALIFORNIA  
RECEIPT

Number: MULT112824

FEES PAID

Record Type	Record Number	Address Number	QTY	Description of Fee	Amount of Fee
PERMIT	RC17-44115	355 S 42ND ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$226.00
PERMIT	RC17-44115	355 S 42ND ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$218.00
PERMIT	RC17-44115	355 S 42ND ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$207.00
PERMIT	RC17-44115	355 S 42ND ST	1	RENT PROGRAM FEE CONTROLLED UNIT FY:	\$212.00
PERMIT	RC17-44115	355 S 42ND ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$219.00
PERMIT	RC17-44114	353 S 42ND ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$219.00
PERMIT	RC17-44114	353 S 42ND ST	1	RENT PROGRAM FEE CONTROLLED UNIT FY:	\$212.00
PERMIT	RC17-44114	353 S 42ND ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$207.00
PERMIT	RC17-44114	353 S 42ND ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$218.00
PERMIT	RC17-44114	353 S 42ND ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$226.00
PERMIT	RC17-22763	351 S 42ND ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$219.00
PERMIT	RC17-22763	351 S 42ND ST	1	RENT PROGRAM FEE CONTROLLED UNIT FY:	\$212.00
PERMIT	RC17-22763	351 S 42ND ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$207.00
PERMIT	RC17-22763	351 S 42ND ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$226.00
PERMIT	RC17-22763	351 S 42ND ST	1	RENT PROGRAM FEE FULLY COVERED PER U	\$218.00

**TOTAL PAID**

**\$3,246.00**

Date of Payment **2022-08-23**

Paid By **VALERO PROPERTY MANAGEMENT**

Method of Payment **CHECKS 1500**

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**City of Richmond Rent Program  
2018 INITIAL PROPERTY ENROLLMENT FORM**

This form may be completed online at [www.richmondrent.org/enroll](http://www.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: 351 - 355 South 42nd St

City: Richmond State: CA ZIP: 94804

Parcel Number: 5 1 3 - 1 3 3 - 0 2 2

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)*

**Owner 1 Information**

Name (first, last): Megan Holbrook Ownership % : 100

Bus. Mailing Address: 675 Trumbull Ave

City: Novato State: CA ZIP: 94947

Bus. Phone Number: (415) 378-3781 Bus. Email Address: megan.holbrook@comcast.net

If Owner is a trust, LLC, corporation or business partnership, enter the name of the trustee, managing member, CEO or responsible party below.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

**Owner 2 Information**

Name (first, last): \_\_\_\_\_ Ownership % (if any): \_\_\_\_\_

Bus. Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Bus. Phone Number: \_\_\_\_\_ Bus. Email Address: \_\_\_\_\_

If Owner is a trust, LLC, corporation or business partnership, enter the name of the trustee, managing member, CEO or responsible party below.

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): Valero Property Management Agent Name: Carlos Valero

Bus. Mailing Address: 4980 Appian Way

City: El Sobrante State: CA ZIP: 94803

Bus. Phone Number: (510) 685-6002 Bus. Email Address: valeropropman@icloud.com

*Megan Holbrook*

TURN TO PAGE 2 ↓



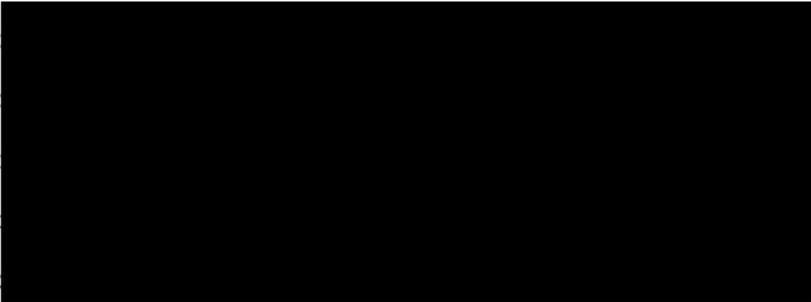
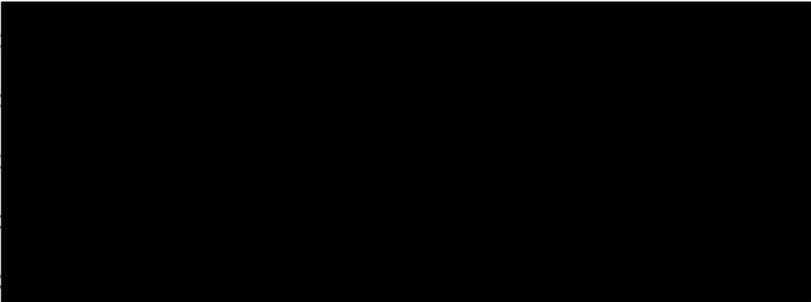
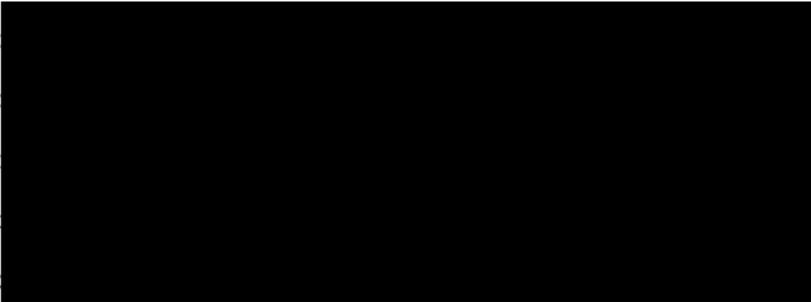
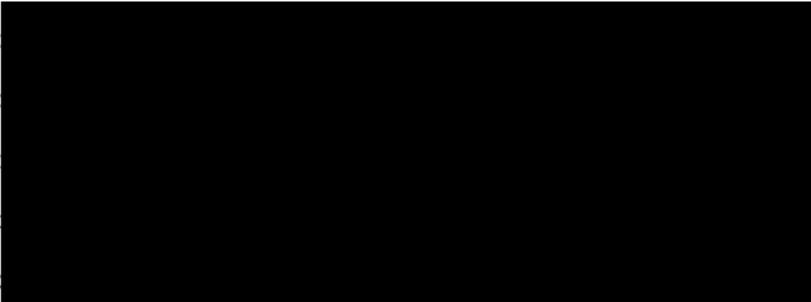
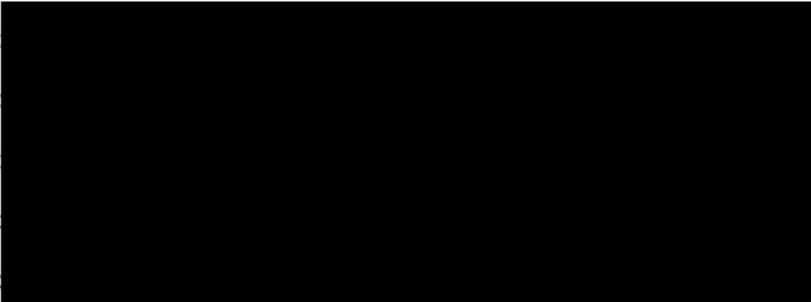
City of Richmond Rent Program  
**TENANCY REGISTRATION FORM**  
Complete this form online at [www.richmondrent.org/enroll](http://www.richmondrent.org/enroll)

<p><b>REQUIREMENT TO REGISTER</b></p>	<p>Landlords <b>MUST FILE</b> this form for <b>EACH EXISTING TENANCY</b> and re-submitted for new tenancies or complete turnover of <b>Original Occupants*</b>. 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><b>A:</b> <b>Enter Basic Rental Unit Information</b></p>	<p>Rental Property Street Address: <u>351 South 42nd St.</u></p> <p>Unit #: _____ # of Bedrooms: <u>1</u></p>
<p><b>B:</b> <b>Enter Tenancy Information</b> <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><i>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.</i></p> <p>Tenant Name (first, last): _____</p>
<p><b>C:</b> <b>Enter Base Rent and Security Deposit Information</b> <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) : _____</p> <p>Check the box that applies:</p> <p>_____</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)</p> <p><input checked="" type="checkbox"/> If NO, continue to the Base Rent section below</p> <p><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>_____ (BASE RENT)</p> <p>_____ (RENT)                      _____ (ANY ADDITIONAL FEES / SURCHARGES)</p>

TURN TO PAGE 2 ↓

<p>(continued)</p>	<p><b>Security Deposit</b></p> <p>Total amount of Security Deposit Collected: <span style="background-color: black; color: black;">[REDACTED]</span></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>
<p><b>D: Indicate Housing Services Included in the Rent</b></p>	<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> <div style="background-color: black; width: 100%; height: 40px;"></div>
<p><b>E: Provide Details on the Previous Tenancy (if known)</b></p>	<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</p> <p><input type="checkbox"/> Tenant moved out due to nonpayment of rent, nuisance, or breach of lease</p> <p><input type="checkbox"/> Tenant moved out due to owner move-in, withdrawal from rental market, or substantial repairs</p> <p><input type="checkbox"/> Other (e.g. abandonment) specify: _____</p> <p>Final Rent charged to prior Tenant (if known): \$_____ per month</p>
<p><b>Declaration and Signature</b></p> <p><small>*Bus. = Business</small></p>	<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 type="checkbox"/> Owner on Title      <input checked="" type="checkbox"/> Property Manager / Authorized Agent</p> <p>Signature: <u>Carlos Valero</u>      Print: <u>Carlos VALero</u></p> <p>Bus. Phone Number: <u>(510) 685-6002</u>      Bus. Email: <u>valeropropman@icloud.com</u></p> <p>Date (mm/dd/yyyy): <u>07 / 28 / 2022</u></p>

City of Richmond Rent Program  
**TENANCY REGISTRATION FORM**  
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<b>A: Enter Basic Rental Unit Information</b>	<p>Rental Property Street Address: <u>355 South 42nd St.</u></p> <p>Unit #: _____ # of Bedrooms: <u>1</u></p>
<b>B: Enter Tenancy Information</b> <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><i>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.</i></p> <p>Tenant Name (first, last): </p> <p>Tenant Name (first, last): </p> <p>Tenant Name (first, last): </p> <p>Tenant Name (first, last): </p> <p>Tenant Name (first, last): </p>
<b>C: Enter Base Rent and Security Deposit Information</b> <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>Beginning date of this tenancy (mm/dd/yyyy) :  # of Tenants: </p> <p>Check the box that applies:</p> <p><input type="checkbox"/> Month-to-month Agreement</p> <p><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)</p> <p><input checked="" type="checkbox"/> If NO, continue to the Base Rent section below</p> <p><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> (BASE RENT)</p> <p>(RENT) (ANY ADDITIONAL FEES / SURCHARGES)</p>

TURN TO PAGE 2 ↓



City of Richmond Rent Program  
**TENANCY REGISTRATION FORM**  
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**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: 353 South 42nd St.

Unit #: \_\_\_\_\_ # 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) : [REDACTED] # of Tenants: [REDACTED]

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.

[REDACTED] (BASE RENT)

[REDACTED] (RENT) [REDACTED] (ANY ADDITIONAL FEES / SURCHARGES)

TURN TO PAGE 2 ↓

<p>(continued)</p>	<p><b>Security Deposit</b></p> <p>Total amount of Security Deposit Collected: \$ <span style="background-color: black; color: black;">[REDACTED]</span></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>
<p><b>D: Indicate Housing Services Included in the Rent</b></p>	<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> <div style="background-color: black; width: 100%; height: 50px;"></div>
<p><b>E: Provide Details on the Previous Tenancy (if known)</b></p>	<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</p> <p><input type="checkbox"/> Tenant moved out due to nonpayment of rent, nuisance, or breach of lease</p> <p><input type="checkbox"/> Tenant moved out due to owner move-in, withdrawal from rental market, or substantial repairs</p> <p><input type="checkbox"/> Other (e.g. abandonment) specify: _____</p> <p>Final Rent charged to prior Tenant (if known): \$ _____ per month</p>
<p><b>Declaration and Signature</b></p> <p><small>*Bus. = Business</small></p>	<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 type="checkbox"/> Owner on Title                      <input checked="" type="checkbox"/> Property Manager / Authorized Agent</p> <p>Signature: _____ Print: Carlos Valero</p> <p>Bus. Phone Number: (510) 685-6002 Bus. Email: valeropropman@icloud.com</p> <p>Date (mm/dd/yyyy): 07 / 28 / 2022</p>



To: Members of the Richmond Rent Board

From: Monica Bejarano, Senior Management Analyst

Re: Late Fee Waiver Recommendation

Date: September 21, 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 September 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)
Mia Baldwin	August 23, 2022	Wrong mailing address	Full waiver of late fees	\$61.50	\$61.50	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 August 23, 2022, (Attachment 2- Late Fee Waiver Request Form Submission) property owner of 2510 Humphrey Avenue (single-family home), Mia Baldwin, indicated that the reason for paying late was that the United States Post Office did not have the correct mailing address on file and therefore did not receive an invoice.

Upon investigating this claim, staff found the following (Attachment 3- Email from Ramona Howell, Rent Program Administrative Aide):

- 1) On October 14, 2021, the Fiscal Year 2021-2022 invoice was returned to our office as “undeliverable” (Attachment 4- Returned Mail/Invoice Copy).
- 2) On August 23, 2022, a phone call was had with Ms. Baldwin where she inquired about the Rental Housing Fee invoice, she had not yet received a statement from our office. Staff confirmed the mailing address on file while on the call.
- 3) According to the Owner, the invoice for FY 2021-2022, was not received at the P.O. Box/ mailing address in our records. The mailing address in our records is correct, however, the Post Office did not have the correct name attached to the mailbox, therefore, did not deliver the mail to Ms. Baldwin (Attachment 5- Contra Costa County Assessor, Change of Address Form and Late Fee Waiver).

### 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, Ms. Baldwin had not yet had an opportunity to make timely payments on behalf of 2510 Humphrey Avenue 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 2510 Humphrey Avenue is a Single-Family Home built in 1947 (Attachment 6- Parcel Quest Report). The property is owned by

Justin Baldwin Trust, where Mia Baldwin is the Trustee/Owner and had enrolled the property with the Rent Program since April 2019 (Attachment 7- Property Enrollment Form). On August 24, 2022, Ms. Baldwin submitted payment by check for Fiscal Years 2021-2022 and 2022-2023 (Attachment 8- Rental Housing Fee Invoice and Payment Pending to Finance). Based on the above-mentioned facts, Mia Baldwin is a successor in interest who did not receive an invoice and therefore has demonstrated a Good Cause that warrant a waiver of fees.

Staff Recommendation

Mia Baldwin 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 for the property. Considering the owner has been diligent on communication with Rent Program staff and has not been in default of payment or compliance actions in the past, staff recommend that a full waiver of late fees, in the amount of \$61.50 be granted.

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**ITEM F-5 #2  
ATTACHMENT 1**

## 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: Mia Baldwin  
FRJC #: RL528020007  
Property Owner Phone Number or Email: [REDACTED]

The Property Owner has requested the removal of late fees on their account totaling \$ 61.50  
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: Post office had wrong name on box. Mail was not delivered to Box. I am using a new box - see change of address.

**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: [Signature] Date: 8/23/2022  
Printed Name: Mia Baldwin

**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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**Mónica Bejarano**

---

**From:** Ramona Howell  
**Sent:** Tuesday, September 13, 2022 3:14 PM  
**To:** Nicolas Traylor; Mónica Bejarano; Fred Tran  
**Subject:** LATE FEE WAIVER REQUEST AUGUST 2022 SUBMISSION - M. BALDWIN  
**Attachments:** LATE FEE WAIVER - M. BALDWIN-RC528020007 (2).zip

**Importance:** High

Good afternoon, Nicolas,

Attached is the Late Fee Waiver Request that we received on **August 23, 2022**, for property **2510 Humphrey Ave.** The Late Fee Waiver Request was submitted by the Owner Mia Baldwin.

Here are some details about the property:

- Property 2510 Humphrey Ave. is a Single-Family Dwelling with just one unit on the parcel.
- The Property is owned by Justin Baldwin Trust according to Parcel Quest and has been enrolled since April 2019.
- October 14, 2021, the FY2021-2022 invoice was returned to our office – as undeliverable (copy attached).
- On August 23, 2022, a phone call was had with Ms. Baldwin where she inquired about the Rental Housing Fee Invoice since she had not yet received anything from our office staff confirmed the mailing address on file.
- According to the Owner, the invoice for FY2021-2022 was not received at the P.O. Box on file.
- Apparently, the P.O. Box on file was correct but there was an issue with the Post Office having the incorrect name attached to the mailbox therefore did not deliver the mail (see statement on late fee waiver)
- On August 24, 2022, Ms. Baldwin submitted payment by check for FY 2021-2022 & 2022-2023 Rental Housing Fees for 2510 Humphrey Ave.

Considering the owner has been diligent on communication with our office and has not been in default of payment or compliance actions in the past it is my recommendation that these late fees be fully waived for this fiscal year.

I have included a compressed folder including the following documents:

1. Late Fee Waiver Request
2. Property Enrollment form
3. Parcel Quest Report
4. Invoice without Late Fees
5. Picture of payment device received by Finance and pending processing.

Please feel free to contact me should you have any questions or concerns. Thank you!

*Sincere Appreciation,*

***Ramona Howell***  
*Administrative Aide*

*Billing & Registration Unit*

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

(510) 234-RENT (7368) (main) | (510) 620-6514 (direct)

<https://etrakit.ci.richmond.ca.us>

[www.richmondrent.org](http://www.richmondrent.org) | [Subscribe to the Rent Program Listserv](#)

The Rent Program is now on [Facebook](#) and [Instagram](#) - follow us to stay in touch!

**BEWARE! WIRE FRAUD IS ON THE RISE** Accepting wire & disbursement instructions via email can be dangerous, especially changes to those instructions. Always verify by calling the originator of the email!



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: June 28, 2021

Property Owner/Landlord Mailing Address

BALDWIN MIA  
P.O. BOX 5022  
BERKELEY, CA 94705

Pay today ONLINE!  
Visit [etrakit.ci.richmond.ca.us](https://etrakit.ci.richmond.ca.us)  
Login using the *Contractor/Landlord* dropdown menu and finding the owner name printed above. Your password is set to 528020007.

FRJC Registration#: RC528020007

Page 1 of 1

APN/Situs Address	Applicable Fiscal Year	Amount Due
RC17-39289 / 528-020-007-1 / 2510 HUMPHREY AVE	FY 2021-2022	123.00
AMOUNT DUE if paid by: August 02, 2021		123.00
AMOUNT DUE if paid after: August 02, 2021 :	123.00 + 12.30 10% Late Fee FY 21-22 FEES	135.30
AMOUNT DUE if paid after: September 01, 2021 :	123.00 + 30.75 25% Late Fee FY 21-22 FEES	153.75
AMOUNT DUE if paid after: October 01, 2021 :	123.00 + 61.50 50% Late Fee FY 21-22 FEES	184.50

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 <a href="https://etrakitti.richmond.ca.us">https://etrakitti.richmond.ca.us</a> (2) Login using the <i>Contractor/Landlord</i> dropdown menu and finding your name (3) Your password is set to [REDACTED]	(1) Make payable to "City of Richmond" (2) Write your <b>FRJC Number</b> in the memo line <b>FRJC # RC528020007</b> (3) <b>Remit to:</b> City of Richmond c/o Finance Department 450 Civic Center Plaza Richmond, CA 94804
<b>Amount Due: \$123.00</b>	

In accordance with the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, Section 11.100.060(I)(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.



Rent Program  
440 Civic Center Plaza, Suite 200  
Richmond, CA 94804



U.S. POSTAGE PITNEY BOWES



ZIP 94804 \$ 000.51<sup>0</sup>  
02 4W  
0000356789 JUN 28 2021

Property Owner/Landlord Mailing Address

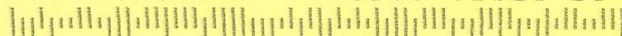
BALDWIN MIA  
P.O. BOX 5022  
BERKELEY, CA 94705

NIXIE 958 FE 1 0007/18/21

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

FIMDK  
94705-0022 BOX

94804163040 \*0505-02210-28-38





**GUS S. KRAMER**  
**CONTRA COSTA COUNTY ASSESSOR**

**CHANGE OF ADDRESS FORM**

*Please Type or Print*

Property valuation information and tax bills are mailed to the address contained in Assessor's Office records. It is important that we have your current mailing address to avoid unnecessary delays in delivery.

It is the owner's responsibility to advise the Assessor when the mailing address has changed. Please use this form to report a change in address. If you have any questions regarding your mailing address, please call (925) 313-7400.

**ASSESSOR PARCEL NUMBER (APN):** 528-020-006-3

**OR BUSINESS ACCOUNT NUMBER:** \_\_\_\_\_

**PROPERTY LOCATION:** 2510 Humphrey Ave Richmond  
*Street Address* *City*

**PROPERTY OWNER:** Baldwin Mia  
*Last Name* *First Name* *Middle Initial*

**HAVE YOU MOVED FROM THE PROPERTY LOCATION?** no  
*Yes or No* *Date Moved*

**NEW MAILING ADDRESS:**

Mia Baldwin  
*Care of Name (If Applicable)*

\_\_\_\_\_  
*Street Address* *City* *State* *Zip Code + 4*

**OWNER REQUESTING CHANGE:** Baldwin Mia  
*Last Name* *First Name* *Middle*

 8/23/2022 \_\_\_\_\_  
*Signature of Owner Requesting Change* *Date* *Daytime Telephone (Required)*

**OLD MAILING ADDRESS:**

PO Box 5022 Berkeley Ca 94705  
*Street Address* *City* *State* *Zip Code*

**EFFECTIVE DATE OF ADDRESS CHANGE:** 08/23/2022  
*Month / Day / Year*

**MAIL, EMAIL OR FAX  
COMPLETED FORM TO:**

**Gus S. Kramer, Contra Costa County Assessor**  
**Attn: Public Service**  
**2530 Arnold Drive, Suite 100**  
**Martinez, CA 94553-4359**  
**Email: customerservice@assr.cccounty.us**

**Fax: (925) 313-7488**



# Request to Remove Late Fees

Property Owner Name: Mia Baldwin

FRJC #: RL528020007

Property Owner Phone Number or Email: [REDACTED]

The Property Owner has requested the removal of late fees on their account totaling \$ 61.50 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: Post office had wrong name on box. Mail was not delivered to Box. I am using a new box - see change of address.

**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: [Signature]

Date: 8/23/2022

Printed Name: Mia Baldwin

**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: \_\_\_/\_\_\_/\_\_\_



LIST 1  
DETAIL

1 Property Address 2510 HUMPHREY AVE RICHMOND CA 94804 1275

**Ownership**

County **CONTRA COSTA, CA**  
 Assessor: **GUS KRAMER, ASSESSOR**  
 Parcel # (APN) **528 020 007 1**  
 Parcel Status:  
 Owner Name **BALDWIN JUSTIN TRE**  
 Mailing Address: **27 EUCALYPTUS PATH BERKELEY CA 94705-1500**  
 Legal Description **ANDRADE BLVD LOTS 13 & 14 BLK C**

**Assessment**

Total Value: <b>\$178,365</b>	Use Code: <b>11</b>	Use Type: <b>RESID. SINGLE FAMILY</b>
Land Value <b>\$85,602</b>	Tax Rate Area <b>008 001</b>	County Zoning
Impr Value: <b>\$92,763</b>	Year Assd: <b>2022</b>	Census Tract: <b>3720.00/6</b>
Other Value	Property Tax	Price/ qFt <b>\$137 59</b>
% Improved: <b>52%</b>	Delinquent Yr:	
Exempt Amt	HO Exempt <b>N</b>	

**Sale History**

	Sale 1	Sale 2	Sale 3	Transfer
Document Date	<b>07/20/1990</b>			<b>01/21/2022</b>
Document Number:	<b>15997-633</b>			<b>12820</b>
Document Type	<b>GRANT DEED</b>			
Transfer Amount:	<b>\$147,500</b>			
eller (Grantor)				

**Property Characteristics**

Bedrooms: <b>2</b>	Fireplace:	Units:
Baths (Full) <b>1</b>	A/C	tories
Baths (Half):	Heating:	Quality:
Total Rooms <b>5</b>	Pool	Building Class
Bldg/Liv Area: <b>1,072</b>	Park Type: <b>GARAGE</b>	Condition:
Lot Acres <b>0 114</b>	paces	ite Influence
Lot SqFt: <b>5,000</b>	Garage SqFt: <b>235</b>	Timber Preserve:
Year Built <b>1947</b>		Ag Preserve
Effective Year: <b>1947</b>		

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**ITEM F-5 #2  
ATTACHMENT 7**



**City of Richmond Rent Program  
2018 INITIAL PROPERTY ENROLLMENT FORM**  
This form may be completed online at [www.richmondrent.org/enroll](http://www.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)**

<b>Property Ownership Status (Required)</b>	Rental Property Street Address: <u>2510 Humphrey Ave.</u>
	City: <u>Richmond</u> State: <u>CA</u> ZIP: <u>94804</u> Parcel Number: <u>5 2 8 - 0 2 0 - 0 0 7</u>
	Does the person or entity to whom this mailing was addressed hold title to the property above? <input checked="" type="checkbox"/> YES → please complete Steps A-D <input type="checkbox"/> NO → please enter the New Property Owner's information below (if known) and send this form back to the Richmond Rent Program ( <i>address located on the bottom left of this page</i> )
	<b><u>New Property Owner's Information</u></b> Name (first, last): _____ Phone Number: _____ Mailing Address: _____ City: _____ State: _____ ZIP: _____

<b>A: Who holds title? (Required)</b>  <i>ALL Owners must be on title; attach additional sheets as necessary if there are more than 2 Owners</i>  <small>*Bus. = Business</small>	<b><u>Owner 1 Information</u></b> Name (first, last): <u>MIA BALDWIN</u> Ownership %: <u>100%</u> Bus. Mailing Address: <u>P.O. BOX 5022</u> City: <u>BERKELEY</u> State: <u>CA</u> ZIP: <u>94705</u> Bus. Phone Number: <u>510 333 7954</u> Bus. Email Address: <u>miabaldwin@gmail.com</u> If Owner is a trust, LLC, corporation or business partnership, enter the name of the trustee, managing member, CEO or responsible party below. Name: _____ Title: _____
	<b><u>Owner 2 Information</u></b> Name (first, last): _____ Ownership % (if any): _____ Bus. Mailing Address: _____ City: _____ State: _____ ZIP: _____ Bus. Phone Number: _____ Bus. Email Address: _____ If Owner is a trust, LLC, corporation or business partnership, enter the name of the trustee, managing member, CEO or responsible party below. Name: _____ Title: _____

<b>B: Who do you authorize to sign Rent Program documents for you? (Optional)</b>	<b>AUTHORIZE AN AGENT OR PROPERTY MANAGER (OPTIONAL)</b>
	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): _____ Agent Name: _____ Bus. Mailing Address: _____ City: _____ State: _____ ZIP: _____ Bus. Phone Number: _____ Bus. Email Address: _____ <b>Owner Signature (Required):</b> _____

RICHMOND RENT PROGRAM  
APR 15 2019 AM 11:54

TURN TO PAGE 2 ↓

**ITEM F-5 #2  
ATTACHMENT 7**

**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: 1

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  
 Any permitted small, second housing unit built in compliance with the Small, Second Unit Ordinance of the City of Richmond (RMC 15.04.810).  
 Other: \_\_\_\_\_

*Refer to the table below for clarification on Unit Status Code*

Unit Address	Unit Status Code LIST ALL THAT APPLY <i>See Codes Below</i>	Date Tenancy Started <i>(mm/dd/yyyy)</i>
1234 MAIN ST. APT. A (example)	SEC 8, CR	1/1/2018
[REDACTED]	[REDACTED]	[REDACTED]

*If the Property has more than 5 units, complete Section D (Part 2)*

**Unit Status Codes**

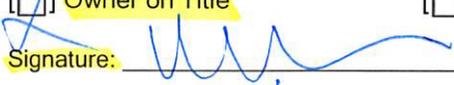
[SEC 8] Governmentally-Subsidized Rental Housing: Section 8 Subsidy (Project-Based or Tenant-Based)  
[LIHTC] Governmentally-Subsidized Rental Housing: Low Income Housing Tax Credits (LIHTC)  
[GOVT. OTH.] Governmentally-Subsidized Rental Housing: Other form of subsidy *specify:* \_\_\_\_\_  
[BMR] Owner/developer 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 between July 1, 2018 - June 30, 2019  
[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: \_\_\_\_\_

**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: Mia Baldwin

Date (mm/dd/yyyy): 4 / 10 / 19



# RENTAL HOUSING FEE INVOICE

**INVOICE DATE:** August 22, 2022

Property Owner/Landlord Mailing Address

BALDWIN MIA  
 P.O. BOX 5022  
 BERKELEY, CA 94705

Pay today ONLINE!  
 Visit [etrakit.ci.richmond.ca.us](https://etrakit.ci.richmond.ca.us)  
 Login using the *Contractor/Landlord* dropdown menu and finding the owner name printed above. Your password is set to 528020007.

FRJC Registration#: RC528020007

Page 1 of 1

APN/Situs Address	Applicable Fiscal Year	Amount Due
RC17-39289 / 528-020-007-1 / 2510 HUMPHREY AVE	FY 2021-2022	123.00
RC17-39289 / 528-020-007-1 / 2510 HUMPHREY AVE	FY 2022-2023	127.00
RC17-39289 / 528-020-007-1 / 2510 HUMPHREY AVE / LATE FEES	PRIOR LATE FEE	61.50

**AMOUNT DUE if paid by: September 26, 2022** 311.50

AMOUNT DUE if paid after: September 26, 2022 :	311.50 + 12.70 10% Late Fee FY 22-23 FEES	324.20
AMOUNT DUE if paid after: October 26, 2022 :	311.50 + 31.75 25% Late Fee FY 22-23 FEES	343.25
AMOUNT DUE if paid after: November 25, 2022 :	311.50 + 63.50 50% Late Fee FY 22-23 FEES	375.00

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
<p>(1) Visit <a href="https://etrakit.ci.richmond.ca.us">https://etrakit.ci.richmond.ca.us</a></p> <p>(2) Login using the <i>Contractor/Landlord</i> dropdown menu and finding your name</p> <p>(3) Your password is set to [REDACTED]</p> <p><b>Amount Due: \$311.50</b></p>	<p>(1) Make payable to "City of Richmond"</p> <p>(2) Write your FRJC Number in the memo line FRJC # RC528020007</p> <p>(3) Remit to: City of Richmond c/o Finance Department 450 Civic Center Plaza Richmond, CA 94804</p>

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

Company Information Registration #: RC528020007 Expiration: 03/02/2021

Company Name:  

Type:

Subtype:

Status:

Applied:

Issued:

Expires:

PIN #:

FEIN or SSN:

Address:

City, State, Zip:

Website:

Phone:

Fax:

Cell:

Pager:

E-Mail:

License Registration #: 40054505 Lic. Exp: 03/02/2022 2nd Registration #: 10931 2nd Lic. Exp: N/A

Insurances

Contacts (1) Owner: SCHEMMERLING KRYSSA

Chronology (8)

			Action Type	Staff Name	Action Date	Completion Date
			PAYMENT RCVD	RAMONA HOWELL	09/07/2022	09/07/2022
			PHONE CALL	MONICA BEJARANO	08/23/2022	08/23/2022

Notes



AEC Record #: RC528020007  
 Owner: SCHEMMERLING KRYSSA  
 User ID: RH1  
 Type: PAYMENT RCVD  
 Staff: RAMONA HOWELL

Existing Notes:  
 (9/7/2022 10:24:00 PM RH1) Action Created (RH1)  
 RCVD CK# 488 DATED 08/24/2022 FOR \$250.00. FY2022-23 FEES - FWD TO FINANCE.



To: Members of the Richmond Rent Board

From: Fred Tran, Deputy Director

Re: Late Fee Waiver Recommendation

Date: September 21, 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 September 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)
Norman B Schmitz	August 03, 2022	Owner & property manager, did not receive invoice	Full waiver of late fees	\$61.50	\$61.50	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 August 3, 2022, (Attachment 1) Paul Yap, agent for the property owner, Norman B Schmitz, at 3093 Keith Dr., indicated that the reason for paying late was that the owner and property manager did not receive an invoice, unpaid Fiscal Year fees by the previous owner. (Attachment 2 – Rental Housing Fee Invoice):

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, Norman B Schmitz had paid timely during the last (4) four fiscal years.

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 3093 Keith Dr. is a Residential Single Family built in 1956. (Attachment 3- Parcel Quest Report). Norman B Schmitz purchased 3093 Keith Dr. in June 2014. Paul Yap (Property Manager) paid the unpaid fees (minus late fees) on August 5, 2022 (Attachment 4 - Receipt of Payment) and enrolled and authorized agent for the property with the Richmond Rent Program on August 3, 2022 (Attachment 5 - Property Enrollment and Tenancy Registration forms). Based on the above-mentioned facts, Norman B Schmitz claims the invoice was not receive in prior year by him or the property manager and therefore not able to pay the invoice. Norman B Schmitz has demonstrated a Good Cause that warrants a waiver of late fees with his timely paid invoices during the last (4) four fiscal years.

Staff Recommendation

Norman B Schmitz 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 for the property. Considering these factors, staff recommend that a full waiver of late fees, in the amount of \$61.50 be granted.

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## Request to Remove Late Fees

Property Owner Name: Norman B Schmitz

FRJC #: RC431155020

Property Owner Phone Number or Email: [REDACTED]

The Property Owner has requested the removal of late fees on their account totaling \$ 61.50 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: Existing owner. Both owner and property manager did not receive invoice

### 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: 08 / 03 / 2022

Printed Name: Paul Yap

### 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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# RENTAL HOUSING FEE INVOICE

**INVOICE DATE:** July 29, 2022

Property Owner/Landlord Mailing Address

SCHMITZ NORMAN B

[REDACTED]  
 [REDACTED] 94803

Pay today ONLINE!  
 Visit [etrakit.ci.richmond.ca.us](https://etrakit.ci.richmond.ca.us)  
 Login using the *Contractor/Landlord* dropdown menu and finding the owner name printed above. Your password is set to lordrol2k2RHF.

FRJC Registration#: RC431155020

Page 1 of 1

APN/Situs Address	Applicable Fiscal Year	Amount Due
RC17-43539 / 431-155-020-8 / 3093 KEITH DR	FY 2021-2022	123.00
RC17-43539 / 431-155-020-8 / 3093 KEITH DR	FY 2022-2023	127.00

**AMOUNT DUE if paid by: September 02, 2022** 250.00

AMOUNT DUE if paid after: September 02, 2022 :	250.00 + 12.70 10% Late Fee FY 22-23 FEES	262.70
AMOUNT DUE if paid after: October 02, 2022 :	250.00 + 31.75 25% Late Fee FY 22-23 FEES	281.75
AMOUNT DUE if paid after: November 01, 2022 :	250.00 + 63.50 50% Late Fee FY 22-23 FEES	313.50

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 <a href="https://etrakit.ci.richmond.ca.us">https://etrakit.ci.richmond.ca.us</a> (2) Login using the <i>Contractor/Landlord</i> dropdown menu and finding your name (3) Your password is set to [REDACTED]  <b>Amount Due: \$250.00</b>	(1) Make payable to "City of Richmond" (2) Write your FRJC Number in the memo line FRJC # RC431155020 (3) Remit to: City of Richmond c/o Finance Department 450 Civic Center Plaza Richmond, CA 94804

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

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LIST 1  
DETAIL

1 Property Address 3093 KEITH DR RICHMOND CA 94803 2332

**Ownership**

County **CONTRA COSTA, CA**  
 Assessor: **GUS KRAMER, ASSESSOR**  
 Parcel # (APN) **431 155 020 8**  
 Parcel Status:  
 Owner Name **NG GUAT TOH TRE SCHMITZ NORMAN B**  
 Mailing Address: **2436 CHERRY HILLS DR LAFAYETTE CA 94549-1704**  
 Legal Description **TRACT 2203 LOT 239**

**Assessment**

Total Value: <b>\$458,579</b>	Use Code: <b>11</b>	Use Type: <b>RESID. SINGLE FAMILY</b>
Land Value <b>\$288,786</b>	Tax Rate Area <b>008 003</b>	County Zoning
Impr Value: <b>\$169,793</b>	Year Assd: <b>2022</b>	Census Tract: <b>3602.00/1</b>
Other Value	Property Tax	Price/ qFt <b>\$206 63</b>
% Improved: <b>37%</b>	Delinquent Yr:	
Exempt Amt	HO Exempt <b>N</b>	

**Sale History**

	Sale 1	Sale 2	Sale 3	Transfer
Document Date	<b>06/03/2014</b>	<b>04/03/1998</b>		<b>03/21/2017</b>
Document Number:	<b>89874</b>	<b>70821</b>		<b>48295</b>
Document Type	<b>GRANT DEED</b>			
Transfer Amount:	<b>\$268,000</b>	<b>\$172,500</b>		
eller (Grantor)				

**Property Characteristics**

Bedrooms: <b>3</b>	Fireplace:	Units:
Baths (Full) <b>2</b>	A/C	tories
Baths (Half):	Heating: <b>CENTRAL</b>	Quality:
Total Rooms <b>6</b>	Pool	Building Class
Bldg/Liv Area: <b>1,297</b>	Park Type: <b>GARAGE</b>	Condition: <b>AVERAGE</b>
Lot Acres <b>0 137</b>	paces <b>2</b>	ite Influence
Lot SqFt: <b>6,000</b>	Garage SqFt: <b>462</b>	Timber Preserve:
Year Built <b>1956</b>		Ag Preserve
Effective Year: <b>1956</b>		

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**CITY OF RICHMOND**

450 CIVIC CENTER PLAZA • RICHMOND, CA 94804  
(510) 620-6868

Printed: September 12, 2022

**Receipt Number: WEB39653**

**Permit Number: RC17-43539**

**Permit Type: RENT CONTROL / JUST CAUSE**

**Site Address: 3093 KEITH DR**

**Applicant: SCHMITZ NORMAN B**

**Owner: SCHMITZ NORMAN B**

**Contractor:**

**Job Description: 3093 KEITH DR**

**FEES PAID**

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**01917090340445**

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250	2% CREDIT CARD PROCESSING FEE	01917090340445	\$5.00
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<b>Total Fees for Account 01917090340445:</b>			<b>\$5.00</b>
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**11850065340445**

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1	RENT PROG PARTIALLY COVERED & GOVT. SL	11850065340445	\$127.00
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1	RENT PROG PARTIALLY COVERED & GOVT. SL	11850065340445	\$123.00
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<b>Total Fees for Account 11850065340445:</b>			<b>\$250.00</b>
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<b>Total Fees Paid:</b>			<b>\$255.00</b>
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Date Paid: Friday, August 5, 2022

Paid By: SCHMITZ NORMAN B

Pay Method:

Received By: eTRAKIT CONTRACTOR

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

This form may be completed online at [richmondrent.org/enroll](http://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)**

<b>Property Ownership Status</b> <i>(Required)</i>	Rental Property Street Address: <u>3093 Keith Dr</u> City: <u>Richmond</u> State: <u>CA</u> ZIP: <u>94803</u> Parcel Number: <u>4 3 1 - 1 5 5 - 0 2 0</u>  Does the person or entity to whom this mailing was addressed hold title to the property above? <input checked="" type="checkbox"/> YES → please complete Steps A-D <input type="checkbox"/> NO → please enter the New Property Owner's information below (if known) and send this form back to the Richmond Rent Program ( <i>address located on the bottom left of this page</i> )  <u><b>New Property Owner's Information</b></u> Name (first, last): _____ Phone Number: _____ Mailing Address: _____ City: _____ State: _____ ZIP: _____
<b>A: Who holds title?</b> <i>(Required)</i>  <i>ALL Owners must be on title; attach additional sheets as necessary if there are more than 2 owners</i>	<u><b>Owner 1 Information (Individual, Trust, LLC, etc.)</b></u> Name (first, last): <u>Norman B Schmitz</u> Ownership % : <u>50%</u> Bus. Mailing Address: <u>2436 Cherry Hills Dr</u> City: <u>Lafayette</u> State: <u>CA</u> ZIP: <u>94549</u> Bus. Phone Number: <u>(510) 823-9695</u> 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: _____
<i>*Bus. = Business</i>	<u><b>Owner 2 Information (Individual, Trust, LLC, etc.)</b></u> Name (first, last): <u>Guat T Ng</u> Ownership % (if any): <u>50%</u> Bus. Mailing Address: <u>2436 Cherry Hills Dr</u> City: <u>Lafayette</u> State: <u>CA</u> ZIP: <u>94549</u> Bus. Phone Number: <u>(510) 965-7745</u> 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>B: Who do you authorize to sign Rent Program documents for you?</b> <i>(Optional)</i>	<p align="center"><b>AUTHORIZE AN AGENT OR PROPERTY MANAGER (OPTIONAL)</b></p> 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): _____ Agent Name: <u>Paul Yap</u> Bus. Mailing Address: <u>3606 May Rd</u> City: <u>Richmond</u> State: <u>CA</u> ZIP: <u>94803</u> Bus. Phone Number: <u>(510) 685-3776</u> Bus. Email Address: <u>pauilyap2k@gmail.com</u> Owner Signature (Required): <u></u>

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: 1

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*

Unit Address	Unit Status Code LIST ALL THAT APPLY <i>See Codes Below</i>	Date Tenancy Started <i>(mm/dd/yyyy)</i>
<i>1234 Main Street (Example)</i>	CR	01/01/2018

*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 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

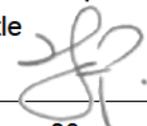
[OTHER] Specify: \_\_\_\_\_

**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: Paul Yap

Date (mm/dd/yyyy): 08 / 03 / 2022



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

**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]** 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: \_\_\_\_\_

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 21, 2022

Final Decision Date Deadline: September 21, 2022

**STATEMENT OF THE ISSUE:** On March 17, 2020, Governor Newsom signed Executive Order N-29-20, which suspended certain portions of the Ralph M. Brown Act (Cal. Gov. Code § 54950 et seq.) related to the holding of teleconferenced meetings by City legislative bodies. Among other things, Executive Order N-29-20 suspended requirements that each location from which an official accesses a teleconferenced meeting be accessible to the public. These changes were necessary to allow teleconferencing to be used as a tool for ensuring social distancing. City legislative bodies have held public meetings via videoconference and teleconference pursuant to these provisions since March 2020. These provisions of Executive Order N-29-20 expired on September 30, 2021. Prior to its expiration, California legislators passed Assembly Bill 361 (Rivas), which, among other things, continues to permit public meetings via videoconference and teleconference, where the Board makes findings of the circumstances justifying the continuing need to meet via videoconference and Teleconference. This item requests that the Board review the circumstances of the continued state of emergency posed by the spread of COVID-19, and find that the state of emergency continues to directly impact the ability of the public and members of Board to meet safely in person, that holding public meetings in person would present imminent risks to the health and safety of attendees, and that state and local officials continue to promote social distancing, mask wearing and vaccination.

## INDICATE APPROPRIATE BODY

- |   |   |  |  |   |
|---|---|--|--|---|
| <input type="checkbox"/> City Council               | <input type="checkbox"/> Redevelopment Agency                             | <input type="checkbox"/> Housing Authority     | <input type="checkbox"/> Surplus Property Authority          | <input type="checkbox"/> Joint Powers Financing Authority |
| <input type="checkbox"/> Finance Standing Committee | <input type="checkbox"/> Public Safety Public Services Standing Committee | <input type="checkbox"/> Local Reuse Authority | <input checked="" type="checkbox"/> Other: <u>Rent Board</u> |   |

## ITEM

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) |  |  |
| <input type="checkbox"/> Public Hearing   | <input type="checkbox"/> Regulation  | <input checked="" type="checkbox"/> Other: <u>CONSENT CALENDAR</u> |
| <input type="checkbox"/> Contract/Agreement   | <input type="checkbox"/> Rent Board As Whole                                     |  |
| <input type="checkbox"/> Grant Application/Acceptance                                 | <input type="checkbox"/> Claims Filed Against City of Richmond                   |  |
| <input type="checkbox"/> Resolution   | <input type="checkbox"/> Video/PowerPoint Presentation (contact KCRT @ 620.6759) |  |

**RECOMMENDED ACTION:** ADOPT a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference – Rent Program (Charles Oshinuga 621-1202).

AGENDA ITEM NO:

**F-6.**

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# AGENDA REPORT

**DATE:** September 21, 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 37,290 confirmed cases of COVID-19 and at least 187 deaths in the City of Richmond. That is an increase of approximately 3,488 confirmed Covid cases and 5 Covid-related deaths in 30 days. That is triple the infection rate and more than double the deaths as compared to last month's data comparison. It still remains the case that 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 initial impact of this variant had been felt as the City of Richmond, and many other Contra Costa cities had been placed in the "purple" tier category, representing the worst category of Covid-19 prevalence. However, as of today, the Contra County infection rate is considered "stable" and we are trending towards a positive outlook. That being said, city officials remain vigilant, as they send out emails

## ITEM F-6

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.

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 still 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, remains great. 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 22-10

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**RESOLUTION NO. 22-10**

**MAKING FINDINGS TO ALLOW CONTINUED USE OF TELECONFERENCING FOR  
MEETINGS OF THE RICHMOND RENT BOARD PURSUANT TO THE PROVISIONS OF AB  
361**

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**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-6**  
**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 previously 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-6  
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 September 21, 2022 by the following vote:

**AYES:**

**NOES:**

**ABSTAINED:**

**ABSENT:**

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**RENT BOARD CHAIR**

**APPROVED AS TO FORM:**

**ATTEST:**

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**GENERAL COUNSEL**

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**RENT BOARD CLERK**

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# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 21, 2022

Final Decision Date Deadline: September 21, 2022

**STATEMENT OF THE ISSUE:** Under Emergency Resolution No. 22-07, where a landlord previously timely filed a Maintenance of Net Operating Income petition (hereafter MNOI petition) during the Local Emergency, but the petition was either withdrawn or dismissed, the Landlord may request the Rent Board for an Order to have their withdrawn or dismissed Maintenance of Net Operating Income petition reconsidered by the Hearing Examiner. On August 25, 2022, Landlord of 420-430 Golden Gate Ave. in Richmond submitted a Request for Reconsideration of Previously Filed Maintenance of Net Operating Income Petition (hereafter "Request for Reconsideration") for both Petition No. RC20-L023 and No. RC22-L038 (Attachment 1). The Board should consider the Request for Reconsideration for RC20-L023, which was dismissed for failure to submit by the 30-day deadline. Petition No. RC22-L038 is a resubmission of RC20-L023 filed in 2022. RC22-L038 pertains to the same property at 420-430 Golden Gate Ave., which has not been dismissed or withdrawn therefore, does not require reconsideration. Petition No. RC22-L038 submittal was reviewed by Staff conducted a preliminary review of the Petition and a Notice Of Inadequate Documentation was issued (Attachment 4).

## 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:** Consider for Approval of a Request for Reconsideration of a Previously Filed Maintenance of Net Operating Income Petition during the Local Emergency for 420-430 Golden Gate Avenue – Nicolas Traylor (620-6564).

AGENDA ITEM NO:

**F-7.**

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To: Members of the Richmond Rent Board  
From: Nicolas Traylor, Executive Director  
Re: Request for Reconsideration of Previously Filed Maintenance of Net Operating Income Petition - 420-430 Golden Gate Ave.  
Date: September 21, 2022

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

Introduction

Under Emergency Resolution No. 22-07, where a landlord previously timely filed a Maintenance of Net Operating Income petition (hereafter MNOI petition) during the Local Emergency, but the petition was either withdrawn or dismissed, the Landlord may request the Rent Board for an Order to have their withdrawn or dismissed Maintenance of Net Operating Income petition reconsidered by the Hearing Examiner. On August 25, 2022, Landlord of 420-430 Golden Gate Ave. in Richmond submitted a Request for Reconsideration of Previously Filed Maintenance of Net Operating Income Petition (hereafter "Request for Reconsideration") for both Petition No. RC20-L023 and No. RC22-L038 (Attachment 1). The Board should consider the Request for Reconsideration for RC20-L023, which was dismissed for failure to submit by the 30-day deadline. Petition No. RC22-L038 is a resubmission of RC20-L023 filed in 2022. RC22-L038 pertains to the same property at 420-430 Golden Gate Ave., which has not been dismissed or withdrawn therefore, does not require reconsideration. Petition No. RC22-L038 submittal was reviewed by Staff conducted a preliminary review of the Petition and a Notice Of Inadequate Documentation was issued (Attachment 4).

Review of Evidence Submitted for the Request for Reconsideration of Petition No. RC22-023

Under Resolution No. 22-07, in any Request for Reconsideration, the Landlord shall submit relevant evidence demonstrating Good Cause for their failure to pursue their previously timely filed MNOI petition which resulted in either a withdrawal or dismissal of the petition. "Good Cause" means taking reasonable efforts and acting with due diligence to timely pursue a previously timely filed MNOI petition.

Good Cause Requirement

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 deciding 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.

Mr. Smith's Claims of "Good Cause"

In the Request for Reconsideration, dated August 25, 2022, (Attachment 1) for the property owner at 420-430 Golden Gate Ave., Jimmy Smith, indicated that the following Good Causes for failing to pursue their previously filed Maintenance of Net Operating Income petition:

1. COVID-19 related issues that impacted the ability to pursue previously timely filed MNOI Petition.
2. I was not notified of the consequences of withdrawing the previously timely filed MNOI Petition.
3. I was not notified that the previously timely filed MNOI petition lacked completeness prior to the dismissal of the Petition.
4. I sought and received services from a Richmond Rent Program Housing Counselor related to the previously timely filed MNOI Petition.
5. Other circumstances relevant to the inquiry of Good Cause: Please refer to the attached letters from Professional Property Management and the Law Offices of Richard J. Alexander (Attachment 1).

Staff Evaluation of Good Cause Claim

For a previously filed MNOI Petition to be reconsidered under Resolution No. 22-07, a landlord must submit evidence to support their claim of Good Cause. The following is Staff's evaluation of Mr. Smith's claims of Good Cause and supporting evidence:

**Good Cause Claim #1 (COVID-19 related issues impacted Mr. Smith's ability to pursue the previously timely filed MNOI Petition):** In his attorney's letter, submitted along with the Request for Reconsideration (Attachment 1), Mr. Smith claims that "complete

closure and/or limited operating of most city and government offices due to the COVID pandemic caused the petition packet to be reviewed and returned to Mr. Smith some number of days past the time of response set forth in the regulations for the Rent Program to respond.” The letter also states that “in the middle of the Holidays, December 24, 2020, Christmas Eve, while many relatives were over for Christmas Eve, [Mr. Smith] had to be rushed to the emergency room for immediate care to a hospital that was booked solid due to COVID patients. This unexpected health emergency caused [Mr. Smith] to be out of work through the New Year, preventing [him] from [his] normal duties.” Mr. Smith also mentions that he had ongoing hospital visits through the first half of 2021.

**Staff Evaluation of Claim #1:** While it is correct that the Rent Program office was closed to in-person service during the period in question, all other services, including counseling and assistance from Hearings Unit staff, remained available to Mr. Smith remotely via phone, email, and Zoom meeting. However, in the filing of the MNOI Petition, which is a more complicated petition, landlords often request and benefit from in-person assistance by Rent Program staff to review documents and petition completeness. While this service was not available to Mr. Smith at the time of the filing of his MNOI petition, the unavailability of in-person services may not be a Good Cause by itself.

Mr. Smith’s claim that COVID-19 impacted him by having to be rushed to a hospital Emergency Room during the holidays (December 24, 2020), because the hospital was booked solid due to COVID patients, would on its face be a Good Cause under Resolution No. 22-07. However, other than a letter/statement from his attorney, no further evidence was submitted to support this claim. Staff remains neutral regarding this claim, but the Board may, if it chooses, give more weight and credibility to Mr. Smith’s claim.

**Good Cause Claim #2:** In his Request for Reconsideration, Mr. Smith claims that he was not notified of the consequences of withdrawing the previously timely filed MNOI Petition.

**Staff Evaluation of Claim #2:** Mr. Smith and Administrative Analyst Cynthia Shaw did not discuss withdrawing the petition. They discussed the consequences of dismissal if the incomplete petition was not completed by the November 12, 2020, deadline.

There were several communications between Mr. Smith and Ms. Shaw that prove that Mr. Smith was made aware of the consequences of not completing the previously timely filed MNOI Petition. On November 5, 2020, Ms. Shaw, after having spoken on the phone with Mr. Smith informing him that the petition lacked completeness for failure to provide a Proof of Service, followed up with an email requesting that the Proof of Service be submitted to complete the petition (Attachment 2).

**Good Cause Claim #3:** Mr. Smith claims that he was not notified that the previously timely filed MNOI petition lacked completeness prior to the dismissal of the petition.

**Staff Evaluation of Claim #3:** Mr. Smith’s claim that he was not notified that the previously timely filed MNOI petition lacked completeness prior to the dismissal of the petition is false. For example, on November 5, 2020, Mr. Smith was informed by Cynthia Shaw that he needed to submit a completed petition by November 12, 2020, to avoid the petition being administratively dismissed (Attachment 2). Furthermore, November 25, 2020, Mr. Smith

received a NOTICE OF ADMINISTRATIVE DISMISSAL OF LANDLORD INDIVIDUAL RENT ADJUSTMENT PETITION NO. RC20-L023 (Attachment 3), notifying him that the petition had been Administratively Dismissed for failure to meet the November 12, 2020, deadline and that if he wanted to refile for the Current year of 2019, he had to do so by December 31, 2020.

**Good Cause Claim #4:** Mr. Smith claims that he sought and received services from a Richmond Rent Program Housing Counselor. Mr. Smith did seek and receive counseling services from Rent Program staff, namely Staff Attorney, Palomar Sanchez. Mr. Sanchez spoke with Mr. Smith in May and August of 2020, advising him of the MNOI Petition process generally.

**Staff Evaluation of Claim #4:** Mr. Smith did show Good Cause by seeking and receiving counseling on the MNOI Petition process.

**Good Cause Claim #5:** Mr. Smith claims that there were other circumstances relevant to the inquiry of Good Cause. Mr. Smith claims that he did not file the petition by December 31, 2020, because he did not want to disturb his tenants during the holidays. After having received the Notice of Administrative Dismissal regarding Landlord Petition NO. RC20-L023 on November 25, 2020, Mr. Smith informed Cynthia Shaw that he planned to file the “petition at a later time” and requested that Ms. Shaw document the file [Petition] and advise him if there are steps that must be made by December 31<sup>st</sup> to preserve the right to file “at a later date”. Because the Rent Program office was closed during the holidays Ms. Shaw responded to Mr. Smith on January 5, 2021, informing him that “Unfortunately, the Hearing Unit cannot keep the Petition open until he decided to move forward” (Attachment 3).

Another Good Cause cited by Mr. Smith through his attorney, Richard J. Alexander, was that the 30-day deadline for submission prior to dismissal is arbitrary and not codified in Rent Board Regulations.

**Staff Evaluation of Good Cause Claim #5:** Mr. Smith had been previously informed that failure to file by December 31, 2020, would prevent him from being able to include the Current Year of 2019 for his MNOI petition. When Mr. Smith decided not to file the petition because he didn't want to disturb tenant during the holidays, he did so having previously been informed of the consequences of missing the December 31, 2020, deadline. As a result, a claim of Good Cause appears inadequate in this instance because Mr. Smith had previously been informed by Rent Program staff of the consequences of failing to file by December 31, 2020, but still decided to hold off on filing.

Regarding the claim that the 30-day deadline for submission prior to dismissal, while it is correct that Rent Board Regulations do not specify the deadline for submission prior to dismissal, the 30-day deadline meets the general standards for reasonable notice under California Civil Code.

#### Staff Recommendation

In evaluating the Request for Reconsideration, the Board must find by a Preponderance of the Evidence that the Landlord demonstrated they had Good Cause when failing to pursue their previously timely filed MNOI petition. In this case, Mr. Smith claimed five Good Causes.

## ITEM F-7

The most compelling of the Good Causes was the health emergency Mr. Smith experienced during the winter break holiday period in 2020. Staff takes no stance on this Good Cause claim. Mr. Smith's claim that he was not notified of the consequences of withdrawing the previously timely filed MNOI Petition is not pertinent, as he did not discuss withdrawing the petition with Rent Program staff, but instead discussed the consequences of dismissal if the incomplete petition was not completed by the deadline provided of November 12, 2020. Rent Program staff objects to Mr. Smith's claim that he was not notified that the previously timely filed MNOI petition lacked completeness prior to the dismissal of the petition, as he was informed by Rent Program staff that he needed to submit a completed petition by November 12, 2020, to avoid the petition being administratively dismissed (Attachment 2). Mr. Smith did meet the Good Cause claim of having sought and received counseling by Rent Program staff, showing that he made a diligent effort to understand the rules and work through the process. Mr. Smith's other Good Cause claim was that he held off on submitting the petition before the deadline of December 31, 2020, due to not wanting to disturb tenants during the holidays (Attachment 3) which Rent Program Staff take no stance on this Good Cause claim. The final Good Cause claim was that the petition was dismissed based on an arbitrary deadline of 30-days. Staff objects to this claim due to California law establishes 30-days as a reasonable deadline for most notices and submissions. Rent Program Staff's objection to any of the Good Cause claims does not disqualify a Landlord's claim to meet the Good Cause standard. The Board may ultimately grant or deny the Request for Reconsideration based on the totality of the Good Cause claims or merely one of the Good Cause claims provided. In Mr. Smith's case, the most compelling Good Cause argument was the health emergency he experienced during the 2020 Holiday period, which also coincided with the last week he had available to meet the deadline for filing for the Current Year of 2019. Rent Program recommends the Board to evaluate the Good Cause claims provided Mr. Smith to approve or deny the Request for Reconsideration.

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# Rent Board Request for Reconsideration of Maintenance of Net Operating Income Petition (MNOI)

Property Owner Name(s): OFEK P10 LLC

Original Petition Number: RC20-LO23 and RC22-LO38

Date MNOI Petition was Previously Filed with the Rent Program: 10/7/2020

The Property Owner hereby requests reconsideration of the MNOI Petition for the following reason(s) (Check all that apply):

- Covid-19 related issues that impacted the ability to pursue previously timely filed MNOI Petition.
- I was not notified of the consequences of withdrawing the previously timely filed MNOI petition.
- I was notified that the previously timely filed MNOI petition lacked completeness prior to the dismissal of the petition.
- I sought and received services from a Richmond Rent Program Housing Counselor related to the previously timely filed MNOI Petition.
- Correspondence with the Rent Program staff member related to their previously timely filed MNOI Petition was unclear.
- The previously timely filed MNOI Petition was dismissed in error.

Other circumstances relevant to the inquiry of Good Cause:

Please refer to attached letters from Professional Property Management and the Law Office of Richard J. Alexander *(also attached)*

**Please attach an explanation for each reason selected above.**

**Evidence.** The Property Owner(s) 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.

**Declaration & Signature:**

I declare under penalty of perjury under the laws of the State of California that every statement in this Rent Board Request for Reconsideration of Maintenance of Net Operating Income Petition (MNOI) is true and correct to the best of my knowledge and belief.

Signature of Landlord/Property Manager:  Date: 8/24/2022

Printed Name: Jimmy Smith

**Rent Program Staff Use Only:**

This request has been granted by the Rent Board on: \_\_\_/\_\_\_/\_\_\_

Executive Director Signature: \_\_\_\_\_ Staff Initials: \_\_\_\_\_

Date: \_\_\_/\_\_\_/\_\_\_

Professional Property Management  
5054 El Portal Drive, Suite C  
El Sobrante, CA 94803

August 22, 2022

City of Richmond Rent Board  
Civic Center  
Richmond, CA 94804

RE: 420 Golden Gate Ave, Richmond MNOI package

Dear Mr. Traylor and Ms. Shaw:

Attached is the cover form for the MNOI Covid Emergency relief resolution.

I would also like to inform you that nowhere in the regulations could my attorney or I find where it states a deadline of when to submit a MNOI package. We did submit back in October 2020 for review. At that time, there was complete closure and/or limited operating of most city and government offices due to the COVID pandemic, which caused my package to be reviewed and returned to me some number of days past the time of response set forth in the regulations for the board to respond.

In the middle of the Holidays, December 24, 2020, Christmas Eve, while many relatives were over for Christmas Eve, I unexpectedly had to be rushed to the emergency room for immediate care to a hospital that was booked solid due to COVID patients. This was when the COVID vaccine was just becoming available to a certain group of people. This unexpected health emergency caused me to be out of work through the New Year, preventing me from my normal daily duties. I had ongoing hospital visits throughout the first half of 2021.

I pray that this package will be accepted and reviewed so we can all move forward.

Yours Truly,

  
Jimmy Smith

Richard J. Alexander

-----Attorney at Law-----

August 8, 2022

Richmond Rent Board  
440 Civic Center Plaza, 2<sup>nd</sup>-Floor  
Richmond, CA 94804-1630

Attn: Cynthia Shaw  
Assistant Administrative Analyst  
Hearings Unit

Re: Landlord Petitions RC20-LO23 and RC22-LO38,  
420-430 Golden Gate Ave., Richmond, CA 94801

Dear Ms. Shaw:

I represent Professional Property Management, the managing agent for OFEK P10 LLC, the owners of the above-referenced property.

I have been asked to correspond with you regarding the dismissal of Petition RC20-LO23 specifically and the refusal of your office to continue processing the Petition and subsequent submittals. I have reviewed Chapter 8 and 9 of the Rent Board Regulations, your correspondence with Mr. Smith of Professional Property Management, and the other emails, letters and memorandum pertaining to this matter.

As you know, Regulation 902 requires the following of the procedure in Chapter 8 of the Regulations in the processing of any Landlord Petition for Rent Increase or Rent Adjustment.

Reference is made to your letter of November 25, 2020 to the owners and to Mr. Smith that recites pertinent dates. This petition was filed in your office on October 7, 2020. Regulation 805(A)(4) requires completion of a preliminary review within 15 business days of the filing. In this case, that date appears to be October 29, 2020, a deadline imposed on the Rent Board by its own Regulations. That deadline was not met here.

After that, your email of November 5, 2020 provided Mr. Smith 30 days to correct/augment the October 7, 2020 Petition. When there was no response within the thirty days you provided,

Page TWO  
Richmond Rent Board  
August 8, 2022

you administratively dismissed the Petition. There is no Regulation that restricts the time for correction/augmentation of a Petition to thirty days. None.

The thirty-day deadline appears to be an arbitrary cut-off, not based upon any Ordinance or Regulation. In fact, Regulation 805(A)(4) goes on to state, "...If a petition is found unacceptable, the Landlord may refile at any time." There is no definition provided as to the meaning of the word "refiling". Does it refer to a new petition, or correction/augmentation of an existing petition?

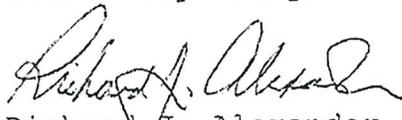
In any event, this Petition was dismissed by your letter of November 25, 2020, in the midst of COVID shutdowns and workplace restrictions. Mr. Smith's previous correspondence and emails speak to his hurdles in pursuing the Petition and subsequent submittals.

The delay in the required initial processing of the Petition and the non-required arbitrary deadline for the Petitioner's response to your November 5, 2020 email are mentioned merely to point out that fairness and equity are bi-lateral, applicable to both sides in this matter.

I am asking that the Petition RC20-L023 and RC22-L038, and the petition that accompanies this letter be addressed by the Rent Board as if timely filed and processed.

If you have any questions or comments regarding this correspondence, please feel free to contact me directly.

Yours very truly,



Richard J. Alexander

RJA/vrg

cc: client

**PROFESSIONAL**  
**PROPERTY MANAGEMENT**

August 5, 2022

**Palomar Sanchez**  
**Nicolas Traylor**  
City of Richmond Rent Program  
440 Civic Center Plaza  
Richmond, CA 94804

**RE:420-430 Golden Gate Ave, Point Richmond**  
**MNOI Resubmission per Emergency MNOI resolution for RENT INCREASE CAPITAL**  
**IMPROVEMENT**

Dear Palomar Sanchez and Nicolas Traylor:

Enclosed you will find a package for MNOI rent increase for major capital improvements for the above mentioned property, under the emergency resolution for MNOI package submission.

Please note, this property was purchased April 2019. The previous owner of the property would only provide a Profit and Loss statement for 2015 and no other documentation covering that year. However, I did print out from the Contra Costa County website a copy of the property tax history in which I included in the package..

Please review and let me know if you have any questions.

The quickest way to reach me would be by email [ppm4rent@aol.com](mailto:ppm4rent@aol.com) and or call my attorney Mr. Richard Alexander at 510.232.9100

Thanks,

  
Jimmy Smith,  
925/255.6320

CC: Richard Alexander, Esq.

Homes – Condos – Apartments – Commercial – Retail – Office – Industrial – Sales  
We're your Property Management Solution!

Full Service Residential and Commercial Real Estate Brokerage



CAL BRE #01902148

If your property is listed with another broker, please disregard this mailer.

SPECIAL PROOF OF SERVICE<sup>1</sup>

I am a resident of Contra Costa County and was, at the time of service, over age  
eighteen. On August 25, 2022 (date), I served ONE copy of the LANDLORD PETITION

FOR INDIVIDUAL RENT ADJUSTMENT PETITION AND ATTACHMENTS

Attachment A     Attachment B     Attachment C     Attachment D

BY: (Check  appropriate box):

**DELIVERING** \_\_\_\_\_ in person to the following individual: [print name of tenant(s)  
and/or tenant's representative:]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLACING** MNOI reconsideration form enclosed in a sealed envelope with first-class postage fully paid, into  
a U.S. Postal Service mailbox, addressed as follows:  
[print name of tenant(s) and/or tenant's representative and address as shown on Envelope:]

City of Richmond Rent Board c/o Cynthia Shaw, Palomar Sanchez and Nicolas Traylor  
440 Civic Center Plaza 2nd Floor  
Richmond, CA 94804

**EMAILING** \_\_\_\_\_ [print name of tenant(s) and/or tenant's representative] Provide  
any/all EMAIL ADDRESS(ES):

\_\_\_\_\_  
\_\_\_\_\_

I DECLARE UNDER PENALTY OF PERJURY OF THE LAWS OF THE STATE OF CALIFORNIA THAT  
THE FOREGOING IS TRUE AND CORRECT.

Printed Name: Diana Escobar

Signature:  \_\_\_\_\_ Date: 8/25/22

<sup>1</sup> This Special Proof of Service form has been created by the Richmond Rent Program solely for use during and in response to the COVID-19 pandemic.

**Cynthia Shaw**

---

**From:** Cynthia Shaw  
**Sent:** Thursday, November 5, 2020 3:30 PM  
**To:** 'professional property'  
**Subject:** RE: Proof of Service Form Re. 420-430 Golden Gate Ave. Landlord Petition for MNOI

Hello Jimmy,

Just following up to see how would you like to proceed in regards to the MNOI Petition you filed for property address 420-430 Golden Gate Ave. Please let me know by Thursday, November 12, 2020, if you would like to proceed with the petition process or not. If no response is received by November 12<sup>th</sup>, the petition will be administratively closed. If you have additional questions or concerned, feel free to give me a call at the number below.

Thanks,

*Cynthia Shaw*

Assistant Administrative Analyst | City of Richmond Rent Program  
440 Civic Center Plaza, Suite 200, Richmond, CA 94804  
Direct Phone: (510) 620-5552 | Main Phone: (510) 234-RENT (7368)  
Fax: 510-307-8149 | Website: [www.richmondrent.org](http://www.richmondrent.org)  
Email: [cynthia\\_shaw@ci.richmond.ca.us](mailto:cynthia_shaw@ci.richmond.ca.us)

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---

**From:** Cynthia Shaw  
**Sent:** Thursday, October 29, 2020 10:21 AM  
**To:** 'professional property' <ppm4rent@aol.com>  
**Subject:** RE: Proof of Service Form Re. 420-430 Golden Gate Ave. Landlord Petition for MNOI

Ok. If possible, please let me know by Wednesday of next week so that I'll know how to proceed.

Thanks,  
Cynthia

**From:** professional property [<mailto:ppm4rent@aol.com>]  
**Sent:** Thursday, October 29, 2020 10:01 AM  
**To:** Cynthia Shaw <[cynthia\\_shaw@ci.richmond.ca.us](mailto:cynthia_shaw@ci.richmond.ca.us)>  
**Subject:** Re: Proof of Service Form Re. 420-430 Golden Gate Ave. Landlord Petition for MNOI

Hi Cynthia,

Once I speak to Palomar, I will be able to make a decision.

Thanks,

Jimmy

-----Original Message-----

From: Cynthia Shaw <[cynthia\\_shaw@ci.richmond.ca.us](mailto:cynthia_shaw@ci.richmond.ca.us)>

To: professional property <[ppm4rent@aol.com](mailto:ppm4rent@aol.com)>

Sent: Thu, Oct 29, 2020 9:52 am

Subject: RE: Proof of Service Form Re. 420-430 Golden Gate Ave. Landlord Petition for MNOI

Hello Jimmy,

I recommend that you speak with one of our housing counselors to answer your questions. I know in the past you spoken with Palomar Sanchez. I will forward your questions to him, for further follow up.

Also, do you plan to continue with the petition process for this property? I know the last time we spoke, you were going to submit a completed packet along with a proof of service form. Please let me know as soon as possible to avoid an administrative dismissal of the petition. If you have additional questions regarding the petition, feel free to give me a call at the number below.

Thanks,

**Cynthia Shaw**

Assistant Administrative Analyst | City of Richmond Rent Program

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

Direct Phone: (510) 620-5552 | Main Phone: (510) 234-RENT (7368)

Fax: 510-307-8149 | Website: [www.richmondrent.org](http://www.richmondrent.org)

Email: [cynthia\\_shaw@ci.richmond.ca.us](mailto:cynthia_shaw@ci.richmond.ca.us)

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Cynthia

**From:** professional property [<mailto:ppm4rent@aol.com>]

**Sent:** Wednesday, October 28, 2020 3:13 PM

**To:** Cynthia Shaw <[cynthia\\_shaw@ci.richmond.ca.us](mailto:cynthia_shaw@ci.richmond.ca.us)>

**Subject:** Re: Proof of Service Form Re. 420-430 Golden Gate Ave. Landlord Petition for MNOI

Hello Cynthia,

I have a few questions, that maybe you can help me with.

1. we can hold the charge of the passthrough and implementing it ... assuming till next year
2. If the rent increase can be banked, or we can submit rent increase in few months, or we need to wait till next September? CPI adjustment
3. Does the passthrough count part of the max rent increase annually ( no more than 10% )

Thanks,

Jimmy

-----Original Message-----

From: Cynthia Shaw <[cynthia\\_shaw@ci.richmond.ca.us](mailto:cynthia_shaw@ci.richmond.ca.us)>

To: [ppm4rent@aol.com](mailto:ppm4rent@aol.com) <[ppm4rent@aol.com](mailto:ppm4rent@aol.com)>

Sent: Mon, Oct 19, 2020 12:05 pm

Subject: Proof of Service Form Re. 420-430 Golden Gate Ave. Landlord Petition for MNOI

Hello Jimmy,

It was a pleasure speaking with you this morning. Please find attached the Proof of Service Form for completion and to be returned along with entire Landlord Petition. As mentioned, once we receive the completed Petition, it will be submitted for review by the Hearing Examiner for further analysis. If you have additional questions or concerns, please give me a call at the number below or reply to this email.

Thanks,

**Cynthia Shaw**

Assistant Administrative Analyst | City of Richmond Rent Program

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

Direct Phone: (510) 620-5552 | Main Phone: (510) 234-RENT (7368)

Fax: 510-307-8149 | Website: [www.richmondrent.org](http://www.richmondrent.org)

Email: [cynthia\\_shaw@ci.richmond.ca.us](mailto:cynthia_shaw@ci.richmond.ca.us)

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**Cynthia Shaw**

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**From:** Cynthia Shaw  
**Sent:** Tuesday, January 5, 2021 6:28 PM  
**To:** 'professional property'  
**Cc:** Palomar Sanchez  
**Subject:** RE: ADMINISTRATIVE DISMISSAL RE. PETITION NO. RC20-L023  
**Attachments:** ADMINISTRATIVE DISMISSAL - RC20-L023 - Final.pdf

Hi Jimmy,

I hope this email finds you well and that you had a wonderful holiday. This document was sent to all parties, which includes the Tenant's. Unfortunately, the Hearings Unit cannot keep the Petition open until you decide to move forward. As mentioned in the letter, if you would like to pursue this matter in the future, you may do so by completing the Landlord Individual Rent Adjustment Petition. If you have additional questions or concerns regarding this notice, feel free to give me a call at the number below or reply to this email.

Thanks,

*Cynthia Shaw*

Assistant Administrative Analyst | City of Richmond Rent Program  
440 Civic Center Plaza, Suite 200, Richmond, CA 94804  
Direct Phone: (510) 620-5552 | Main Phone: (510) 234-RENT (7368)  
Fax: 510-307-8149 | Website: [www.richmondrent.org](http://www.richmondrent.org)  
Email: [cynthia\\_shaw@ci.richmond.ca.us](mailto:cynthia_shaw@ci.richmond.ca.us)

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**From:** professional property [mailto:[ppm4rent@aol.com](mailto:ppm4rent@aol.com)]  
**Sent:** Monday, December 28, 2020 9:22 PM  
**To:** Cynthia Shaw <[cynthia\\_shaw@ci.richmond.ca.us](mailto:cynthia_shaw@ci.richmond.ca.us)>; Palomar Sanchez <[palomar\\_sanchez@ci.richmond.ca.us](mailto:palomar_sanchez@ci.richmond.ca.us)>  
**Subject:** Re: ADMINISTRATIVE DISMISSAL RE. PETITION NO. RC20-L023

On Monday, December 28, 2020, 09:15:58 PM PST, professional property <[ppm4rent@aol.com](mailto:ppm4rent@aol.com)> wrote:

Hello cynthia,

I'm not sure if you sent my tenants a letter about this, but the plan is to pause this petition for major capital improvement rent increase , and not disturb my tenants during the holidays and covid 19. I plan to pick it up at later time.

**ITEM F-7  
ATTACHMENT 3**

Please document the file and advise if there are steps that must be made by the 31st to preserve this right at a later date.

Thanks  
Jimmy

On Wednesday, November 25, 2020, 08:01:24 AM PST, Cynthia Shaw <[cynthia\\_shaw@ci.richmond.ca.us](mailto:cynthia_shaw@ci.richmond.ca.us)> wrote:

Hello Jimmy,

Please find attached a Notice of Administrative Dismissal regarding Landlord Petition No. RC20-L023, pertaining to property address 420-430 Golden Gate Ave., Richmond. If you have any questions or concerns regarding this notice, feel free to give me a call at the number below or reply to this email.

Thank you,

**Cynthia Shaw**

Assistant Administrative Analyst | City of Richmond Rent Program

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

Direct Phone: (510) 620-5552 | Main Phone: (510) 234-RENT (7368)

Fax: 510-307-8149 | Website: [www.richmondrent.org](http://www.richmondrent.org)

Email: [cynthia\\_shaw@ci.richmond.ca.us](mailto:cynthia_shaw@ci.richmond.ca.us)

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NOTICE OF INADEQUATE DOCUMENTATION

PETITION NO. RC22-L038

February 8, 2022

TO PETITIONER(S): OFEK P10 LLC c/o Jimmy Smith, Professional Prop. Mgmt.

RE PROPERTY LOCATED AT: 420-430 Golden Gate Ave., Richmond.

The Hearings Unit has conducted a preliminary review of your Individual Rent Adjustment Petitions with Attachment A (MNOI) and found the following issues:

The Landlord Packet and the Attachment A (MNOI) are required documents to submit this Petition as well as the Proof of Service that the Petition has been sent to all affected tenants. The Petition must also pertain to one building. A Petition concerning more than one building would require one Petition per building (Fillable Landlord Petition form and Attachment A attached).

Assuming your Petition concerns only one building with 20 Rental Units, the Petition is still inadequate because it fails to provide income and operating expenses (with supporting documentation) for both the Base Year (2015) and the Current Year (2021). A statement of income and expenses is a starting point for the analysis. The income and expenses must be supported in full. For instance, I would need to receive the property tax statements for the 2014-2015, 2015-2016, 2020-2021 and 2021-2022 fiscal tax years to confirm that one operating expense line item.

Capital improvements paid for in 2019 or 2020 (as demonstrated by documents submitted) cannot be used to calculate amortized capital expenses in the Current Year (2021). Only a complete set of information focused on solely the Base Year and the Current Year can be used to determine whether an adjustment of rents is required for the Maintenance of Net Operating Income (MNOI).

The Inadequate Petition submitted also suggests that you would like to adjust the Base Year income or expenses. This can only be achieved with comprehensive income and expense information, concerning the property, prior to and leading up to the Base Year. This has not been achieved to date by an owner that purchased the property after the Base Year.

Questions can be submitted should you need further clarification. **Thirty (30) days will be given to correct the Petition unless a request for additional time is timely received.**

**Be advised that all documents submitted to the Rent Program in connection with this matter must be served on the opposing parties.**

If you have questions about your case and to learn about your rights under the Rent Ordinance and Rent Regulations, please consult with a Rent Program Services Analyst at 510-234-RENT (7368) during business hours Monday through Friday from 9:00 a.m. to 12:00 p.m. & 1:00 p.m. to 4:00 p.m. If you have questions regarding this notice, or the hearing and petition process, please contact the Rent Program's Hearing Unit Coordinator, Cynthia Shaw at 510-620-5552.

440 Civic Center Plaza, Richmond, CA 94804-1630 [www.richmondrent.org]  
Telephone: (510) 234-RENT [7368] Fax: (510) 307-8149 [rent@ci.richmond.ca.us]

**SPECIAL PROOF OF SERVICE<sup>1</sup>**

I AM A RESIDENT OF \_\_\_\_\_ COUNTY AND WAS, AT THE  
TIME OF SERVICE, OVER AGE EIGHTEEN. ON \_\_\_\_\_ (DATE), I  
SERVED ONE COPY OF THE \_\_\_\_\_ BY: (CHECK  
APPROPRIATE BOX):

- DELIVERING** \_\_\_\_\_ **IN PERSON TO THE FOLLOWING INDIVIDUAL:**  
[PRINT NAME OF TENANT(S) OR LANDLORD AND/OR TENANT'S OR LANDLORD'S  
REPRESENTATIVE:]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- PLACING** \_\_\_\_\_ **ENCLOSED IN A SEALED ENVELOPE WITH FIRST-CLASS  
POSTAGE FULLY PAID, INTO A U.S. POSTAL SERVICE MAILBOX, ADDRESSED AS FOLLOWS:**  
[PRINT NAME OF TENANT(S) OR LANDLORD AND/OR TENANT'S OR LANDLORD'S  
REPRESENTATIVE:]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- EMAILING** \_\_\_\_\_ [PRINT NAME OF TENANT(S) OR LANDLORD AND/OR TENANT'S  
OR LANDLORD'S REPRESENTATIVE:] [PROVIDE ANY/ALL EMAIL ADDRESS(ES):]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I DECLARE UNDER PENALTY OF PERJURY OF THE LAWS OF THE STATE OF  
CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

<sup>1</sup> This Special Proof of Service form has been created by the Richmond Rent Program solely for use during and in response to the COVID-19 pandemic.



## Landlord Petition for Individual Rent Adjustment

NOTA: SI USTED NO ENTIENDE ESTA PETICIÓN, NO TARDE EN COMUNICARSE CON EL PROGRAMA DE RENTA AL NÚMERO (510) 234-RENT [7368] PARA PEDIR UNA CITA Y RECIBIR UNA EXPLICACIÓN O TRADUCCIÓN.

<b>Street #</b>	<b>Street Name</b>	<b>Zip Code</b>

**Richmond  
Property  
Address**

Are any petitions for this property currently pending?  Yes  No  Unknown

If yes, describe petition(s): \_\_\_\_\_

Total number of residential units on property, including exempt and owner-occupied units \_\_\_\_\_

See Page 2 ←

For all units for which increases are requested, list the unit designations, the names of all tenants in the unit, the beginning date of the tenancy, and the **current** rent being charged. (Rent increases can be granted only for units that are currently registered, i.e., **not** exempt.) Attach additional sheets if necessary.

\_\_\_\_\_

Interpretation will be needed in the following language (Spanish or Other \_\_\_\_\_).

**\*Please Note:** Rent Increases for MNOI **MUST** be allocated among **ALL** Units

<b>Grounds for Petition</b>	<b>Check</b>	<b>Reason(s)</b>	<b>Form</b>
	<input type="checkbox"/>	Maintenance of Net Operating Income (MNOI) <i>(Capital Improvement Expenses included in Operating Expenses)</i>	Attachment A
	<input type="checkbox"/>	Increase in Number of Occupants	Attachment B
	<input type="checkbox"/>	Change in Space or Services	Attachment C
	<input type="checkbox"/>	Restoration of Annual General Adjustments (AGAs)	Attachment D
	<input type="checkbox"/>	Increase in Security Deposit Due to Addition of Pet(s)	Attachment E

Staff Use Only:

Petition No. RC \_\_\_\_\_

---

**Landlord  
Information /  
Agent  
Information  
(if applicable)**

**Owner**

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_)\_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Bus. Email: \_\_\_\_\_

**Owner**

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_)\_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Bus. Email: \_\_\_\_\_

**Agent**

Name: \_\_\_\_\_ Phone: (\_\_\_\_\_)\_\_\_\_\_

Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Bus. Email: \_\_\_\_\_

---

Tenant Information  
(Reproduce this page as needed)

Individual Unit Address	Current Tenants	Date Tenancy Began (mm/dd/yy)	Base Rent (Rent paid on 7/21/15 or the first time the Tenant paid rent if they moved in after that day)	Current Rent
	Name: Phone (If Known): Name: Phone (If Known):	/ / / /	\$	\$
	Name: Phone (If Known): Name: Phone (If Known):	/ / / /	\$	\$
	Name: Phone (If Known): Name: Phone (If Known):	/ / / /	\$	\$
	Name: Phone (If Known): Name: Phone (If Known):	/ / / /	\$	\$
	Name: Phone (If Known): Name: Phone (If Known):	/ / / /	\$	\$

---

I (We) declare that each unit included in this petition has been properly enrolled and registered with the Richmond Rent Program for at least 30 days and is in compliance with The Richmond Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, Regulations and applicable state and local housing, Business License Tax, building, health and safety codes. I (We) declare under penalty of perjury under the laws of the State of California that the foregoing and all attached pages, including attached documentation, are true and correct to the best of my knowledge.

**Declaration**  
(Must be signed by  
an owner of  
record)

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Signature (Agent): \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

---

**Note: All signatures must be original and all petitioning tenants must sign the Certification section of the petition.**

California Civil Code Section 1947.7(g) provides in relevant part that:

A jurisdiction like the Richmond Rent Program is an Agency, which requires an owner to provide the name of a present or former tenant, where the tenant's name and any additional information provided concerning the tenant is confidential and shall be treated as confidential information within the meaning of the Information Practices Act of 1977. To comply, the Agency may request, but shall not compel, an owner to provide any information regarding a tenant other than the tenant's name.

**SPECIAL PROOF OF SERVICE<sup>1</sup>**

I am a resident of \_\_\_\_\_ County and was, at the time of service, over age eighteen. On \_\_\_\_\_ (date), I served ONE copy of the LANDLORD PETITION

FOR INDIVIDUAL RENT ADJUSTMENT PETITION AND ATTACHMENTS

Attachment A     Attachment B     Attachment C     Attachment D     Attachment E

BY: (Check  appropriate box):

**DELIVERING** \_\_\_\_\_ in person to the following individual: [print name of tenant(s) and/or tenant's representative:]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PLACING** \_\_\_\_\_ enclosed in a sealed envelope with first-class postage fully paid, into a U.S. Postal Service mailbox, addressed as follows:  
[print name of tenant(s) and/or tenant's representative and address as shown on Envelope:]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EMAILING** \_\_\_\_\_ [print name of tenant(s) and/or tenant's representative] Provide any/all EMAIL ADDRESS(ES):

\_\_\_\_\_  
\_\_\_\_\_

**I DECLARE UNDER PENALTY OF PERJURY OF THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.**

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<sup>1</sup> This Special Proof of Service form has been created by the Richmond Rent Program solely for use during and in response to the COVID-19 pandemic.

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**Landlord Attachment A**  
**Petition for Rent Increase under Fair Return Standard:**  
**Maintenance of Net Operating Income (MNOI)**

**Amortized Costs of Capital Improvements included in Operating Expenses**

**Introductory Information**

A landlord is entitled to a Fair Return on rental property. Pursuant to the City's Rent Ordinance, the Rent Board has adopted fair return regulations (Chapter 905, posted on the Rent Program website).

**1. Presumption of Base Year Net Operating Income**

It shall be presumed that the net operating income received by the landlord in the Base Year provided a Fair Return. This presumption may be rebutted on the basis of Regulation Section 905(A) (5) in which case an adjusted Base Year Net Operating Income shall be used.

**2. Fair Return**

A landlord has the right to obtain a net operating income equal to the Base Year (2015) net operating income adjusted by 100% of the percentage increase in the Consumer Price Index (CPI), since the Base Year. It shall be presumed this standard provides a Fair Return.

**3. Base Year**

(a) Calendar year 2015 is the Base Year.

(b) In the event that a prior determination of the allowable Rent is made pursuant to a Fair Return petition, if a subsequent petition is filed, the Base Year shall be the year that was considered as the "current year" in the prior petition.

**4. Current Year**

The "current year" shall be the calendar year preceding the petition.

**5. CPI (Consumer Price Index)**

The CPI shall be the annual CPI for all items, for all urban consumers, for the San Francisco Bay Area ([https://www.bls.gov/regions/west/news-release/consumerpriceindex\\_sanfrancisco.htm#tablea](https://www.bls.gov/regions/west/news-release/consumerpriceindex_sanfrancisco.htm#tablea)).

**6. Limits of Allowable Rent Increases in Any One Year**

If the amount of any rent increase granted pursuant to a fair return petition exceeds 15%, the portion in excess of 15% shall be deferred to the next year or years.

In a subsequent year, deferred amounts of the allowable rent increase may be implemented, subject to the 15% ceiling on allowable increases within a year.

An interest allowance on the deferred amount shall be allowed based on the standard set forth in Section 905 (A)(6)(b)(ix) of the Rent Board's Regulation.

**I. General Information About the Property**

1. Street Address: \_\_\_\_\_
2. Parcel Number(s): \_\_\_\_\_
3. Year Property Purchased by Current Owner: \_\_\_\_\_
4. Total Number of Units on the Property: \_\_\_\_\_
5. Total Number of Units Affected by Proposed Rent Increase: \_\_\_\_\_
6. Are there Rental Units that are Partially or Fully Exempt? Number of Exempt Rental Units and Basis for Exemption: \_\_\_\_\_

**II. Landlord Information**

7. Name: \_\_\_\_\_
8. Phone(s): (\_\_\_\_) \_\_\_\_\_
9. Business Address: \_\_\_\_\_
10. City, State, Zip: \_\_\_\_\_
11. Business E-mail: \_\_\_\_\_

**III. Agent Information (if applicable)**

12. Name: \_\_\_\_\_
13. Phone(s): (\_\_\_\_) \_\_\_\_\_
14. Business Address: \_\_\_\_\_
15. City, State, Zip: \_\_\_\_\_
16. Business E-mail: \_\_\_\_\_

**IV. Services**

**17. Please Check The Applicable Boxes**  
(Identify the manner in which each service is paid)

Type of Service	Paid by Landlord, but not passed through to Tenants	Tenants pay service directly	Landlord pays service and passes cost through to Tenants
Gas			
Electricity			
Water			
Sewer			
Garbage			
Other:			

**V. Changes to Services**

**18. Briefly describe the services provided to the rental units. Include all services provided and state which services are provided without additional charge:**

---

---

---

**19. If there have been any changes to the services listed above or in the responsibility for their payment since the base year, please explain:**

---

---

---

**20. Calculation of Net Operating Income**

**VI. Income and Expense Explanation and Calculations**

Net operating income shall be calculated by subtracting operating expenses from gross rental income.

**A. Gross Rental Income**

Gross rental income shall include:

Scheduled rental income at one hundred percent (100%) occupancy plus all other income or consideration received or in connection with the use or occupancy of the Rental Unit.

If there is a change in the number of rental units between the Base Year & Current Year, the rental income and expenses for the same number of units shall be used in calculating the net operating income for both periods. The purpose of this provision is to provide a fair compensation between the Base Year and the Current Year.

Vacant or owner-occupied rental units at the time a petition is filed, that provided rental income in the Base Year, shall count toward the calculation of gross rental income in the Current Year. The Rent Program shall attribute rental income calculated on the basis of average rents for comparable units at the property that were most recently rented. If there are no such rental units, rents as a result of vacancy decontrol within the past two years may be used. If no comparable units on the property were rented within the last two years, initial rents for comparable units in the City may be used if there is no other basis for its calculation.

**B. Gross Rental Income Shall Not Include:**

- (1) Utility charges that are sub-metered, for gas, electricity or water;
- (2) Charges for refuse disposal, sewer service or other services (which are either provided solely on a cost pass-through basis if they are regulated by state or local law);
- (3) Charges for laundry services; and
- (4) Storage charges.

**C. Claim for Base Rent Adjustment**

A claim may be made for a Base Year Rent Adjustment if the Base Year Rent and/or earlier rent amounts were disproportionately low. A Base Year Rent Adjustment will be considered if the evidence supporting a requested adjustment is provided and sufficiently compelling enough to warrant a Hearing on the issue. The Rent Program may allow Landlord to submit an independent comparable rent appraisal at the expense of the Petitioner to assist in the review of a Base Year Rent Adjustment Claim.

Landlords or Tenants may rebut the presumption that the Base Year net operating income provided a fair return. If a claim is made on this basis, the petitioner must complete the corresponding pages 19-22 at the end of this Attachment.

Check here if a claim for a Base Year Rent Adjustment is included in this Attachment and complete pages 19-22 of this Attachment.

**VII. Operating Expenses**

**Operating expenses include:** [See Regulation Chapter 905 (A)(6)(b)]

Reasonable costs of operation and maintenance of the Rental Unit, including:

1. Management Expenses;
2. Utility Costs except a utility that was passed through to the tenant(s) in violation of the Richmond Rent Ordinance [Section 11.100.070 (f)];
3. Real Property Taxes;
4. Insurance;
5. License, Registration and other Public Fees;
6. Landlord-performed Labor;
7. Legal Expenses;
8. The Amortized Costs of Capital Improvements; and
9. Other Reasonable Operating Expenses.

**Operating expenses shall not include the following:** [See Regulation Chapter 905(A)(6)(c)]

1. Mortgage principal or interest payments or other debt service costs and costs associated with obtaining financing;
2. Any penalties, fees or interest assessed or awarded for violation of any provision of this chapter or of any other provision of law;
3. Land lease expenses;
4. Political contributions and payments to organizations or individuals which are substantially devoted to legislative lobbying purposes;
5. Depreciation;
6. Any expenses for which the Landlord has been reimbursed by any utility rebate or discount, Security Deposit, insurance settlement, judgment for damages, settlement or any other method or device;
7. Unreasonable increases in expenses since the Base Year;
8. Expenses associated with the provision of master-metered gas and electricity services;
9. Expenses which are attributable to unreasonable delays in performing necessary maintenance or repair work or the failure to complete necessary replacements. (For example if a roof replacement is unreasonably delayed, the full cost of the roof replacement would be allowed; however, if interior water damage occurred as a result of the unreasonable delay, that expense would not be allowable to support a fair return); and
10. Unreasonable Expenses.

**VIII. Income and Operating Expense Worksheet**

Annual Total		
(Insert Base and Current Years)	Base Year (2015)**	Current Year (2021)
<b>Rental Income</b>	\$	\$
<b>1. Gross scheduled rental income (monthly rent in effect on July 21, 2015 times 12) including uncollected rent.</b>	\$	\$
2. Portion Attributable to Vacancy Fees (indicate what fee is for):	\$	\$
3. Late fees	\$	\$
4. List fees, other than utilities, collected for services & amenities not included in rent	\$	\$
5.	\$	\$
6.	\$	\$
7.	\$	\$
<b>Other Income (list separately by type)*:</b>		
8.	\$	\$
9.	\$	\$
10.	\$	\$
<b>Fees for Utilities</b>		
11. Gas	\$	\$
12. Electricity	\$	\$
13. Water	\$	\$
14. Sewer	\$	\$
15. Garbage & Recycling	\$	\$
Other (list separately by type)		
16.	\$	\$
17.	\$	\$
<b>18. Total Income</b>	<b>\$</b>	<b>\$</b>
(add only lines 1 and 3-17)		
*Interest earned by Landlord on Tenant security deposits, other interest or investment income.	**(or an alternative year in the event of extenuating circumstances)	

**ITEM F-7  
ATTACHMENT 4**

IX. Operating Expenses Worksheet  (Insert Base and Current Years)	Annual Total	
	Base Year (2015)	Current Year (2021)
1. Assessments	\$	\$
2. Real Property Taxes	\$	\$
3. License Tax/Fee	\$	\$
4. Rent Board Registration Fees	\$	\$
5. Insurance	\$	\$
6. Accounting	\$	\$
7. Legal (explain types of legal expenses)	\$	\$
8. Manager /Management Services	\$	\$
9. Security	\$	\$
10. Office Supplies	\$	\$
12. Normal Repairs	\$	\$
13. Owner-Performed Labor	\$	\$
14. Plumbing Maintenance	\$	\$
15. Pool Maintenance	\$	\$
16. Landscape Maintenance	\$	\$
17. Other Maintenance	\$	\$
18. Parking Lot/Street Maintenance	\$	\$
19. Gas (separately metered only)	\$	\$
20. Electricity (separately metered only)	\$	\$
21. Water	\$	\$
22. Sewer	\$	\$
23. Amortized portion of Capital Expense [from page _____; column (i) ]	\$	\$
Other (list separately by type):		
24. Vandalism Repairs	\$	\$
25. Uninsured Damages	\$	\$
26.	\$	\$
Additional operating expense items can be listed for this worksheet using separate page(s) as needed.		
<b>27. TOTAL OPERATING EXPENSES</b>	\$	\$

**X. Allowances for Capital Improvements**

**The Amortized Costs of Capital Improvements.** Operating expenses include the amortized costs of capital improvements plus an interest allowance to cover the amortization of those costs. A capital improvement shall be any improvement to a unit or property which materially adds to the value of the property, appreciably prolongs its useful life or adapts it to a new use and has a useful life of more than one year and a direct cost of \$250.00 or more per unit.

Allowances for capital improvements shall be subject to the following conditions:

1. The amortization period shall be in conformance with the schedule adopted by the Rent Board See Section 905(A)(6)(b)(viii), as provided on pages 9-10, unless it is determined that an alternate period is justified based on the evidence presented in the hearing.
2. Capital improvement costs do not include costs incurred to bring the Rental Unit into compliance with a provision of the Richmond Municipal Code or state law where the original installation of the improvement was not in compliance with code requirements. See Richmond Rent Adjustment Regulations Chapter 9, Section 905(A)(6)(b)(viii).
3. At the end of the amortization period, the allowable monthly rent shall be decreased by any amount of a rent increase attributable to the capital improvement.
4. Portions of fair return rent increases that are attributable to capital improvements expire at the end of the amortization period.

Example of a Capital Improvement with Amortized Expenses and an Interest Allowance:

Owner filed a Petition on July 1, 2017 for an Individual Rent Adjustment for a roof that was completed covering a four-rental unit building. The cost of the Capital Improvement was \$20,000 benefiting all four units in the building. The amortization period for a roof is ten (10) years according to the below tables. The applicable interest allowance based on the Primary Mortgage Survey is 3.88% + 2% for this example. The calculation of the capital improvement per month is:

Capital Improvement Cost	Interest Allowance	Period	Total Principal & Interest – Life of Improvement	Total Interest – Life of Improvement
\$20,000	5.88%	10 yrs. 120 mos.	\$26,500.52*	\$6,500.52

Annual Amortized Cost	Monthly Amortized Cost	# of Units	Monthly Cost per Unit
\$2,650.05	\$220.84	4	\$55.21

\*This Amortization Calculator is available on the Richmond Rent Program website at [www.richmondrent.org](http://www.richmondrent.org). The Excel formula for calculating the Total Principal & Interest for the Life of the Improvement will be provided upon request at the time of a Hearing.

<b>XI. Amortization Period of Capital Improvements/Expenses</b>	
In amortizing capital improvements/expenses, the following schedule shall be used to determine the amortization period of the capital improvements and expenses. Improvements add to the health & safety of the rental unit.	Years
<b><i>Appliances</i></b>	
Air Conditioners*	10
Refrigerator*	5
Stove*	5
Garbage Disposal	5
Water Heater*	5
Dishwasher	5
Microwave Oven	5
Washer/Dryer	5
Fans*	5
Cabinets*	10
Carpentry	10
Counters*	10
Doors*	10
Knobs	5
Screen Doors	5
Fencing and Security*	5
Management	5
Tenant Assistance	5
<b><i>Structural Repair and Retrofitting</i></b>	
Foundation Repair*	10
Foundation Replacement*	20
Foundation Bolting*	20
Iron or Steel Work	20
Masonry-Chimney Repair*	20
Shear Wall Installation*	10
Electrical Wiring*	10
Elevator*	20
<b><i>Fencing</i></b>	
Chain	10
Block	10
Wood	10
<b><i>Fire Systems</i></b>	
Fire Alarm System*	10
Fire Sprinkler System*	20
Fire Escape*	10

<b><i>Flooring/Floor Covering</i></b>	
Hardwood	10
Tile and Linoleum	5
Carpet	5
Carpet Pad	5
Subfloor	10
<b><i>Fumigation Tenting*</i></b>	
Furniture	5
Automatic Garage Door Openers*	10
<b><i>Gates</i></b>	
Chain Link	10
Wrought Iron	10
Wood	10
<b><i>Glass</i></b>	
Windows*	5
Doors*	5
Mirrors	5
<b><i>Heating*</i></b>	
Central	10
Gas	10
Electric	10
Solar	10
Insulation	10
<b><i>Landscaping</i></b>	
Planting	10
Sprinklers	10
Tree Replacement	10
<b><i>Lighting</i></b>	
Interior*	10
Exterior*	5
<b><i>Locks*</i></b>	
Locks*	10
Mailboxes*	10
Meters*	10
<b><i>Plumbing</i></b>	
Fixtures*	10
Pipe Replacement*	10
Re-Pipe Entire Building*	20
Shower Doors*	5

<b><i>Painting</i></b>	
Interior	5
Exterior	5
<b><i>Paving</i></b>	
Asphalt	10
Cement	10
Decking	10
Plastering	10
Sump Pumps*	10
Railings*	10
<b><i>Roofing*</i></b>	
Shingle/Asphalt	10
Built-up, Tar and Gravel	10
Tile	10
Gutters/Downspouts	10
<b><i>Security*</i></b>	
Entry Telephone Intercom	10
Gates/Doors	10
Fencing	10
Alarms	10
Sidewalks/Walkways*	10
Stairs	10
Stucco	10
Tilework	10
Wallpaper	5
<b><i>Window Coverings*</i></b>	
Drapes	5
Shades	5
Screens	5
Awnings	5
Blinds/Mini-blinds	5
Shutters	5

\*Capital Improvements generally concern any change or addition to a unit or property which materially adds to the value of the property, appreciably prolongs its useful life or adapts it to a new use and has a useful life of more than one year and a direct cost of \$250 or more per unit.

The \* items are likely capital improvements. Other items may depend on the circumstances.

**XII. Interest Allowance**

If an amount was reported as an amortized portion of expenses on page 7, line 23 of the Base Year or current operating expense table above, complete this section.

An interest allowance may be calculated on the cost of amortized expenses. The interest allowance shall be the interest rate equivalent to the "average rate" for a thirty-year fixed rate on home mortgages plus two percent (2%). The "average rate" shall be the rate Freddie Mac last published in its weekly Primary Mortgage Market Survey (PMMS) as of the date of the initial petition. <http://www.freddiemac.com/pmms/archive.html>

**1. Completed Capital Improvement and Expense Worksheet (Base Year)**

(a) Item #	(b) Description of Expense	(c) # of Units Impacted By Expense If not all units	(d) Initial Cost	(e) Interest Rate Allowed*	(f) Amortization Period (years)*	(g) Interest Amount	(h) Total Cost [Principal + Interest]	(i) Annual Cost	(j) Monthly Cost	(k) Monthly Cost Per Unit
			\$	%		\$	\$	\$	\$	\$
			\$	%		\$	\$	\$	\$	\$
			\$	%		\$	\$	\$	\$	\$
			\$	%		\$	\$	\$	\$	\$

\*Use the amortization table in this Attachment and the information about interest rates posted on the Rent Board's website using the excel spreadsheet posted on the Board's website at [www.richmondrent.org](http://www.richmondrent.org). Fill in columns (a) through (f) and then columns (g) through (k) will fill in automatically.

Total for Base Year: \$ \_\_\_\_\_  
[add amounts in column (d)]

**2. Completed Capital Improvement and Expense Worksheet (Current Year)**

(a) Item #	(b) Description of Expense	(c) # of Units Impacted By Expense If not all units	(d) Initial Cost	(e) Interest Rate Allowed*	(f) Amortization Period (years)*	(g) Interest Amount	(h) Total Cost [Principal + Interest]	(i) Annual Cost	(j) Monthly Cost	(k) Monthly Cost Per Unit
			\$	%		\$	\$	\$	\$	\$
			\$	%		\$	\$	\$	\$	\$
			\$	%		\$	\$	\$	\$	\$
			\$	%		\$	\$	\$	\$	\$

\*Use the amortization table in this Attachment and the information about interest rates posted on the Rent Board's website using the excel spreadsheet posted on the Board's website at [www.richmondrent.org](http://www.richmondrent.org). Fill in columns (a) through (f) and then columns (g) through (k) will fill in automatically.

Total for Current Year: \$ \_\_\_\_\_

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XIII. Blank Worksheet (Optional – Available for Petitioner Use)

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**XIV. Owner Performed Labor**

Landlord-performed labor shall be compensated at reasonable hourly rates. However, no Landlord-performed labor shall be included as an operating expense unless the Landlord submits documentation showing the date, duration, and nature of the work performed. There shall be a maximum allowed under this provision of five percent (5%) of gross income unless the Landlord demonstrates that greater services were performed for the benefit of the residents.

<b>Owner Performed Labor – Base Year</b>					
Date	Hours	Hourly Rate	Units Impacted	Type of Work	
<b>Owner Performed Labor – Current Year</b>					
Date	Hours	Hourly Rate	Units Impacted	Type of Work	

**XV. Planned Capital Improvements**

To encourage necessary capital improvements and expenses, a Landlord may include anticipated future expenses for the amortized cost of capital improvements and expenses in a fair return petition. An allowance shall be made for anticipated expenses that the Landlord intends to incur during the twenty-four month period following the date of a final Rent Program determination. This procedure should not be used for anticipated expenses for ordinary maintenance and repairs. The portion of any allowable rent increase attributable to the capital improvement and expense shall not go into effect until completion has been documented to the Rent Program.

Complete this table only if you are seeking preliminary approval for improvements you plan to complete within the next twenty-four (24) months. A rent increase cannot be granted until the improvements are completed and documentation of the cost of the improvements has been reviewed and approved by the Rent Program staff.

**Column:**

- (b) - Identify capital improvements and expenses you plan to complete within twenty four (24) months.
- (c) - List each unit that will benefit from the capital improvement/expense.
- (b) - Provide the date you expect to complete each capital improvement/expense.
- (d) - State the estimated cost of each improvement/expense.

(a) Item #	(b) Description of Expense & Estimated Date of Completion	(c) # of Units Impacted By Expense If not all units	(d) Initial Cost	(e) Interest Rate Allowed*	(f) Amortization Period (years)*	(g) Interest Amount	(h) Total Cost [Principal + Interest]	(i) Annual Cost	(j) Monthly Cost	(k) Monthly Cost Per Unit
			\$	%		\$	\$	\$	\$	\$
			\$	%		\$	\$	\$	\$	\$
			\$	%		\$	\$	\$	\$	\$
			\$	%		\$	\$	\$	\$	\$
			\$	%		\$	\$	\$	\$	\$
			\$	%		\$	\$	\$	\$	\$
			\$	%		\$	\$	\$	\$	\$
			\$	%		\$	\$	\$	\$	\$
			\$	%		\$	\$	\$	\$	\$

\*Use the amortization table in this Attachment and the information about interest rates posted on the Rent Board's website using the excel spreadsheet posted on the Board's website at [www.richmondrent.org](http://www.richmondrent.org). Fill in columns (a) through (f) and then columns (g) through (k) will fill in automatically.

Proposed Total Capital Expenses \$ \_\_\_\_\_

*XVI. Net  
Operating  
Income (NOI)*

**Net Operating Income = Income – Operating Expenses:**

	Base Year (2015)	Current Year (2021)
<b>1. Total Annual Income</b>	\$ _____	\$ _____
<b>2. Annual Operating Expenses</b>	\$ _____	\$ _____
<b>3. Current Net Annual Operating Income</b> (Income – Operating Expenses):	\$ _____	\$ _____
<b>4. CPI</b> [Annual Average CPI]	<u>258.572</u>	<u>309.721</u>
<b>5. Percent Annual Increase in CPI Base Year to Current Year</b> [Current Year Annual Average CPI – Base Year Annual Average CPI divided by Base Year Annual Average CPI]		<u>19.78%</u>
<b>6. Fair Net Annual Operating Income = Base Year Net Operating Income Adjusted by CPI Increase</b> [Line 3 Base Year + Line 5 percent]		\$ _____
<b>7. Fair Net Annual Operating Income Minus Current Net Operating Income = Allowable Rent Increase</b> [Line 3 Current Year – Line 6]		\$ _____
<b>8. Allowable Rent Increase/Unit/Month</b> (Line 7 divided by Number of Units divided by 12 months)		\$ _____

***XVII. Monthly  
Rents for each  
Rental Unit  
(Initial Rent,  
Previous, Current,  
and Proposed  
Rent)***

**Data for Each Rental Unit**

List the monthly rent, including all fees, charged each tenant, for the twelve (12) months preceding the date of the petition. If the rent was raised during the twelve-month period preceding the petition, including the amount of any fees, list each rent charged and indicate the date each raise was implemented. Provide the year and amount of any unused Annual General Adjustments authorized by the Rent Board that have been banked with proper notice to each tenant for future rent increases.  
Attach all documentation supporting this income.

A Monthly Rent Worksheet and a Proposed Rent Worksheet are provided on pages 17 – 18 for your convenience.

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XVIII. Monthly Rent Worksheet

Unit #	Rent	AGA Increase	Date of Increase	AGA Taken (%)	AGA Deferred (%)	Other Charges (Please specify)	Comment
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	
	\$	\$		%	%	\$	



**XX. CLAIM FOR ADJUSTMENT OF BASE YEAR NET OPERATING INCOME AND ASSOCIATED RENT ADJUSTED CLAIM**

Landlords or Tenants may present evidence to rebut the presumption that the base year net operating income provided a fair return. Grounds for rebuttal of the presumption shall be based on at least one of the following findings:

1. Check this box  if you are requesting a base rent adjustment in your maintenance of net operating fair return claim.
2. Check the factors below that are applicable to your claim.

A. Exceptional Expenses in the Base Year. The landlord's operating expenses in the base year were unusually high or low in comparison to other years. In such instances, adjustments may be made in calculating operating expenses in order that the base year operating expenses reflect average expenses for the property over a reasonable period of time. Check which factor(s) contributed to your claim:

- (i) Extraordinary amounts were expended for necessary maintenance and repairs
- (ii) Maintenance and repair expenditures were exceptionally low as to cause inadequate maintenance or significant deterioration in the quality of services provide
- (iii) Other expenses were unreasonably high or low notwithstanding the application of prudent business practices.

B. Exceptional Circumstances in the Base Year. The gross income during the base year was disproportionately low due to exceptional circumstances. In such instances, adjustments may be made in calculating base year gross rental income consistent with the purpose of analyzing base year net operating income. Check which factor(s) contributed to your claim:

- (i) The gross income during the base year was lower than it might have been because some residents were charged reduced rent.
- (ii) The gross income during the base year was significantly lower than normal because of the destruction of the premises and/or temporary relocation for construction or repairs.
- (iii) The pattern of rent increases in the years prior to the base year were less than increases in the CPI.
- (iv) Base year rents were disproportionately low in comparison to the base year rents of comparable rental units in the City of Richmond.
- (v) Other exceptional circumstances

**[Petitioners submitting a claim based on this factor may be required to pay for an independent appraisal by an appraiser approved by the City of Richmond].**

C. Explanation for Basis in Support of Claim for Adjustment of Base Year Rent.

XXI. Income and Operating Expense Worksheet With Adjustment of Base Year Amounts		
Annual Total		
(Insert Base and Current Years)	Base Year (2015)	Current Year (2021)
<b><u>Rental Income</u></b>	\$	\$
<b>1. Gross scheduled rental income (monthly rent in effect on July 21, 2015 times 12) including uncollected rent.</b>	\$	\$
<b>2. Portion Attributable to Vacancy</b>	\$	\$
<b>Fees (indicate what fee is for):</b>		
<b>3. Late fees</b>	\$	\$
<b>4. List fees, other than utilities, collected for services &amp; amenities not included in rent</b>	\$	\$
<b>5.</b>	\$	\$
<b>6.</b>	\$	\$
<b>7.</b>	\$	\$
<b><u>Other Income (list separately by type)*:</u></b>		
<b>8.</b>	\$	\$
<b>9.</b>	\$	\$
<b>10.</b>	\$	\$
<b><u>Fees for Utilities</u></b>		
<b>11. Gas</b>		
<b>12. Electricity</b>	\$	\$
<b>13. Water</b>	\$	\$
<b>14. Sewer</b>	\$	\$
<b>15. Garbage &amp; Recycling</b>	\$	\$
<b><u>Other (list separately by type)</u></b>		
<b>16.</b>	\$	\$
<b>17.</b>	\$	\$
<b>18. <u>Total Income</u></b>	\$	\$
(add only lines 1 and 3-17)		
*Interest earned by Landlord on Tenant security deposits, other interest or investment income.		

XXIII. Calculation of Fair Return Rent Adjustment with Adjustments of Base Year Amount:

	Base Year (2015)	Current Year (2021)
1. Proposed Adjusted/Total Income*	\$ _____	\$ _____
2. Operating Expenses	\$ _____	\$ _____
3. Net Operating Income (Income – Operating Expenses):	\$ _____	\$ _____
4. CPI [Annual Average CPI]	<u>258.572</u>	<u>309.721</u>
5. Percent Annual Increase in CPI Base Year to Current Year [Current Year Annual Average CPI – Base Year Annual Average CPI divided by Base Year Annual Average CPI]		<u>19.78%</u>
6. Fair Net Annual Operating Income = Base Year Net Operating Income Adjusted by CPI Increase [Line 3 Base Year + Line 5 percent]		\$ _____
7. Fair Net Annual Operating Income Minus Current Net Operating Income = Allowable Rent Increase [Line 3 Current Year – Line 6]		\$ _____
8. Allowable Rent Increase/Unit/Month (Line 7 divided by Number of Units divided by 12 months)		\$ _____

\* This MNOI calculation requires a determination of an adjustment to the Base Year Total Income prior to completing this form. The proof provided in support of the Exceptional Circumstances required on Page 19 sections 2 (A) and 2 (B) of this form will determine if an adjustment is appropriate. A proposed Base Year Total Income adjustment can be provided as a starting point.

