



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

**AGENDA**  
**Wednesday, November 16, 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/84930088374?pwd=V2hhaXI1SnZDbXpkSmRvYjdZMEFKQT09>

**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 +1 253 215 8782 or +1 346 248 7799 or +1 719 359 4580 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847

**Step 2:** Webinar ID: 849 3008 8374

**Step 3:** Enter the following passcode: 552914365

International numbers available: <https://us02web.zoom.us/j/krGs5pj9h>

**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, November 16, 2022**. The request must include the following:

- (a) Your Name
- (b) Your Phone Number
- (c) The Item for which you wish to make a Public Comment

Requests for comments received via email during the meeting and up until the public comment period on the relevant agenda item is closed, will be accommodated as is reasonably possible and will be limited to a maximum of one to two minutes, depending on the number of commenters, as more fully described in the Rent Board meeting procedures below. The City cannot guarantee that its network and/or the site will be uninterrupted.

**Accessibility for Individuals with Disabilities**

Upon request, the City will provide for written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services and sign language interpreters, to enable individuals with disabilities to participate in and provide comments at/related to public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, auxiliary aid, service or alternative format requested at least two days before the meeting. Requests should be emailed to [cynthia\\_shaw@ci.richmond.ca.us](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**

- F-1.** APPROVE the minutes of the October 19, 2022, Regular Meeting of the Richmond Rent Board. *Cynthia Shaw*
- F-2.** RECEIVE the Fiscal Year 2022-23 Monthly Activity Report through October 2022. *Cynthia Shaw*
- F-3.** RECEIVE the Rent Program FY 2022-23 Monthly Revenue and Expenditure Report through October 2022. *Fred Tran*
- F-4.** APPROVE late fee waiver(s) for November 2022 pursuant for Regulation 425. *Fred Tran*
- F-5.** ADOPT a resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference. *Charles Oshinuga*

**G. CONSIDERATION OF APPEALS**

- G-1.** Appellant appeals a Hearing Examiner's Decision that found that Respondent was entitled to relocation payments in the amount of \$18,310.84, because Appellant took an action to terminate *Charles Oshinuga*

Respondent's tenancy based on a notice to withdraw Appellant's property from the rental market. On appeal, Appellant disagrees with many of the Hearing Examiner's characterization of the facts. The summation of Appellant's appeal challenges whether the Record contained substantial evidence to warrant the Hearing Examiner's decision that found Respondent was entitled to relocation payments in the amount of \$18,310.84.

## H. RENT BOARD AS A WHOLE

- H-1.** RECEIVE the 2020-21 Affordable Housing Report summarizing Low-Income Housing Tax Credit (LIHTC) developments' compliance in Richmond and determine the next steps for LIHTC properties and exemptions under Regulation 202. *Nicolas Traylor*
- H-2.** RECEIVE an update from the Executive Director, Nicolas Traylor on Measure P being passed by voters on the November 8, 2022 ballot and DIRECT staff to draft amendments to Chapter 6 of Rent Board Regulations to be in alignment with Measure P. *Nicolas Traylor*

## I. REPORTS OF OFFICERS

## J. 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: November 16, 2022

Final Decision Date Deadline: November 16, 2022

**STATEMENT OF THE ISSUE:** The minutes of the October 19, 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 October 19, 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**, October 19, 2022.

The Regular Meeting of the Richmond Rent Board was called to order at 5:01 P.M.

Due to the coronavirus (Covid-19) pandemic, Contra Costa County and Governor Gavin Newsom have issued multiple orders requiring sheltering in place, social distancing, and reduction of person-to-person contact. Accordingly, Governor Gavin Newsom has issued executive orders that allow cities to hold public meetings via teleconferencing.

Public comments were confined to items appeared on the agenda and were limited to the methods provided below. DUE TO THE SHELTER IN PLACE ORDERS, and consistent with Executive Order N29-20, the meeting utilized video/teleconferencing only. The following provides information on how the public participated in this meeting.

The public was able to view the meeting using Zoom at the following link:

<https://us02web.zoom.us/j/81466237518?pwd=Y2RWc1ZBcDNDc21BR2hwWWpVQ3FqQT09>

Password: rentboard

**Or By Telephone:**

US: +1 669 444 9171 or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 719 359 4580 or +1 646 931 3860 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

**Step 2:** Webinar ID: 814 6623 7518

International numbers available:

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

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, October 19, 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**

Mitch Rice commented on behalf of his real estate client who has owned property in Richmond since 2016. He mentioned that when the pandemic hit, he lowered the rent for his tenants to accommodate their needs and economic hardships. He said that his client is losing his job in a couple of weeks and would like to sell his property to improve his finances. He hopes the Rent Board could do everything possible to lift the Emergency Eviction Moratorium. He also mentioned that the Governor and President had lifted the emergency mandates because the pandemic is considered over. He feels that the Rent Board should do whatever possible to help Richmond Landlords. He also mentioned that he understands that Richmond tenants are important, but please consider landlords are important as well.

Cordell Hindler restated his comment from the September Rent Board Meeting on Item F-6 for the Consent Calendar regarding City legislative bodies continuing to meet via videoconference and teleconference. He mentioned that he looked into other cities within West County, and they have held hybrid meetings that have been very successful. He feels it's time for the Rent Board to return to the City Council Chambers at some point because it will allow the public to participate and see the Board as a whole. He feels if other cities are holding hybrid meetings, the

Richmond Rent Board should consider holding hybrid meetings as well. He also invited the Board to attend the Richmond Rotary Club Weekly Meeting on Friday, October 28th, held at the Richmond Country Club. He also mentioned that he would like to comment on Agenda Item G-3 with the Rent Board as a Whole. Rent Board Clerk acknowledged that she would add him to the list for public comment.

Zack Jenssen began his comment by saying that he appreciates the Rent Program and all the work done to educate landlords and protect tenants. He also mentioned that he is a Rent Control advocate, even though he is a landlord. Mr. Jenssen wanted to comment on the impact of the potential provision in the upcoming proposition that caps the rent at 60% of the CPI. He said that he understands the need to protect renters, and putting a 3% cap makes sense to him, especially considering the rent increases have been about 3% historically. That still puts a brunt on the landlords from inflation if it's higher than that, but it does protect the renters. He said that he is worried about the 60% cap on the CPI in the years ahead and how it would affect the property values. He also noted that property values differ from multi-family to single-family homes. He feels capping the CPI to 60% will also have an effect on the expenses and the property value. He is also concerned that this will lead to people who have large cash reserves, corporate buyers, or rich people, unlike himself to buy properties.

### **RENT BOARD CONSENT CALENDAR**

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

\*F-1. Approve the minutes of the September 21, 2022, Regular Meeting of the Richmond Rent Board.

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

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

\*F-4. Receive the Budgeted versus Actual Revenue and Expenditures Report for the first quarter ending September 30, 2022.

\*F-5. Approve late fee waiver(s) for September 2022 pursuant for Regulation 425.

\*F-6. 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 BOARD AS A WHOLE**

**G-1.** The matter to receive and approve the 2019-20/2020-21 Rent Program Annual Report infographic video and Direct staff to present the report to the City Council was presented by Executive Director Nicolas Traylor. Section of the infographic video report included a discussion of the Rent Program’s mission and the connection between health and housing, an overview of how the Rent Program enforces the Rent Ordinance, a profile of Richmond’s rental housing stock and landlords, an analysis of rent increase notices filed with the Rent Program, an analysis of termination of tenancy notices filed with the Rent Program and a financial summary of the 2019-20/2020-21 fiscal years. Discussion ensued. The following individual gave comment: Ilona Clark. A motion by Vice Chair Mishek, seconded by Board Member Johnson, to approve and direct staff to present the 2019-20/2020-21 Rent Program Annual Report infographic video to the City Council, passed by the following vote: **Ayes:** Board Members Conner, Johnson, Vice Chair Mishek and Chair Finlay. **Noes:** Board Member Vasilas **Abstentions:** None. **Absent:** None.

**G-2.** The matter to receive proposed options for utilizing the \$10,000 Rent Assistance Partner Grant and approve and authorize one of the three proposed options to spend the funds was presented by Executive Director Nicolas Traylor. The presentation included the statement of the issue, the background, proposed options: #1) Mediation Training for staff, #2) Outreach Campaign to Promote Rent Assistance Resources, and #3) Use the \$10,000 Grant for General Operating Purposes, the proposed timeline, and the recommended actions. Discussion ensued. The following individual gave comments: Ilona Clark. After hearing and discussing the proposed options for utilizing the \$10,000 grant, the Board voted on the following: A motion by Board Member Conner to approve Option #1 to utilize the \$10,000 grant for Mediation Training for 4 staff members instead of 6 staff members and to use

the remaining funds for general purposes for future development, failed due to lack of a seconded motion.

A new motion by Board Member Johnson, to approve Option #1 to utilize the \$10,000 grant to allow mediation training for staff and Option #2 outreach campaign to promote rent assistance resources and include a mass mailing, failed due to lack of a seconded motion.

A new motion by Vice Chair Mishek, seconded by Chair Finlay to approve Option #1 for Mediation Training for Rent Program staff, passed by the following: **Ayes:** Board Members Conner, Johnson, Vasilas, Vice Chair Mishek and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** None.

**G-3.** The matter to receive training on the Brown Act and Rosenberg's Rules of Order was presented by General Counsel Charles Oshinuga. The presentation included an overview about Government Transparency which provided the definition of the Brown Act, a meeting, unlawful meetings, types of serial meetings, posting the agenda, description of an agenda item, information about the public's place on the agenda, why does it matter what is listed on the agenda, very limited expectations, definition of Brown Act Closed Session, Penalties and Remedies, Public Records Act, Conflicts of Interest, Rosenberg's Rules of Order, the purpose of the rules, the role of the Chair, basic format for an agenda item, voting, counting Abstain votes, Motions, basic rules about Motions are subject to debate or discussion, Motion to Reconsider, and Courtesy and Decorum. Discussion ensued. The following individual gave comment: Cordell Hindler. No action taken on this item.

**REPORTS OF OFFICERS**

**H-1.** Executive Director Nicolas Traylor gave a brief report about the upcoming pre-recorded workshop on October 28, 2022, titled "How to File a Rent Decrease Petition."

**ADJOURNMENT**

There being no further business, the meeting adjourned at 6:50 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: November 16, 2022

Final Decision Date Deadline: November 16, 2022

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

## INDICATE APPROPRIATE BODY

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

## ITEM

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

**RECOMMENDED ACTION:** RECEIVE the Fiscal Year 2022-23 Monthly Activity Report through October 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	218	225	-	-	-	-	-	-	-	-	-	808
6 Rent/Eviction Counseling Appointments By Walk-ins	4	2	8	15	-	-	-	-	-	-	-	-	-	29
7 Rent/Eviction Counseling Questions Addressed By Email	156	213	180	139	-	-	-	-	-	-	-	-	-	688
<b>8 TOTAL RENT/EVICTION COUNSELING APPOINTMENTS</b>	<b>338</b>	<b>402</b>	<b>406</b>	<b>379</b>	-	-	-	-	-	-	-	-	-	<b>1,525</b>
9 Rent/Eviction Counseling Sessions Conducted in Spanish	38	26	20	18	-	-	-	-	-	-	-	-	-	102
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>13 TOTAL RENT/EVICTION COUNSELING APPOINTMENTS IN A LANGUAGE OTHER THAN ENGLISH</b>	-	27	20	18	-	-	-	-	-	-	-	-	-	<b>65</b>
14 Legal Service Referrals	20	19	22	16	-	-	-	-	-	-	-	-	-	77
17 Mediations Conducted	11	3	-	3	-	-	-	-	-	-	-	-	-	17
18 Assists from Front Office Staff	5	5	7	5	-	-	-	-	-	-	-	-	-	22
19 Courtesy Compliance Letters Sent	38	224	245	261	-	-	-	-	-	-	-	-	-	768
20 Community Workshop Attendees	-	-	-	-	-	-	-	-	-	-	-	-	-	-
21 Hard Copy Rent Increase Notices Processed	62	52	42	34	-	-	-	-	-	-	-	-	-	190
22 Hard Copy Termination of Tenancy Notices Processed	7	5	8	15	-	-	-	-	-	-	-	-	-	35
24	<b>69</b>	<b>57</b>	<b>50</b>	<b>49</b>	-	-	-	-	-	-	-	-	-	<b>225</b>
25 Billing/Enrollment/Registration Counseling Appointments In-Person	-	-	1	-	-	-	-	-	-	-	-	-	-	1
26 Billing/Enrollment/Registration Counseling Appointments By Phone	36	108	106	36	-	-	-	-	-	-	-	-	-	286
27 Billing/Enrollment/Registration Counseling Questions Addressed By Email	51	114	77	41	-	-	-	-	-	-	-	-	-	283
<b>28 TOTAL BILLING/ENROLLMENT/REGISTRATION COUNSELING APPOINTMENTS</b>	<b>87</b>	<b>222</b>	<b>183</b>	<b>77</b>	-	-	-	-	-	-	-	-	-	<b>569</b>
29 Enrollment/Tenancy Registration Packets Mailed	10	1	38	13	-	-	-	-	-	-	-	-	-	62
30 Enrollment Forms Processed	25	24	31	7	-	-	-	-	-	-	-	-	-	87
31 Rental Housing Fee Invoices Generated	29	5,629	145	8	-	-	-	-	-	-	-	-	-	5,811
32 Checks Processed	8	391	496	151	-	-	-	-	-	-	-	-	-	1,046
33 Checks Returned	2	7	6	53	-	-	-	-	-	-	-	-	-	68
34 Tenancy Registrations Received	30	13	100	20	-	-	-	-	-	-	-	-	-	163
35 Rental Units Discovered Not in Database	1	2	4	3	-	-	-	-	-	-	-	-	-	10
36 Property Information Updated	46	82	9	12	-	-	-	-	-	-	-	-	-	149
37 Compliance Actions (Reviewing Records, Exemption Statuses, Addresses)	-	7	15	68	-	-	-	-	-	-	-	-	-	90
38 Applications for Administrative Determination of Exempt/Inapplicable Status Received	2	7	12	6	-	-	-	-	-	-	-	-	-	27
39 Administrative Determination of Exempt/Inapplicable Status Issued	-	-	-	-	-	-	-	-	-	-	-	-	-	-
40 Declarations of Exemption Processed	-	-	-	33	-	-	-	-	-	-	-	-	-	33
<b>41 LEGAL UNIT</b>														
42 Public Records Act Requests Received	2	1	2	7	-	-	-	-	-	-	-	-	-	12
43 Owner Move-In Eviction Termination of Tenancy Notices Reviewed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
44 Withdrawal from the Rental Market (Ellis Act) Termination of Tenancy Notices Reviewed	-	-	2	2	-	-	-	-	-	-	-	-	-	4
45 Substantial Repairs Termination of Tenancy Notices Reviewed	-	-	-	-	-	-	-	-	-	-	-	-	-	-
46 Appeal Hearings Held	-	-	1	-	-	-	-	-	-	-	-	-	-	1
<b>47 HEARINGS UNIT</b>														
50 Consultations with Hearings Unit Coordinator By Phone	3	5	13	4	-	-	-	-	-	-	-	-	-	25
51 Hearings-Related Questions Addressed by Email	34	43	54	31	-	-	-	-	-	-	-	-	-	162
<b>52 TOTAL HEARINGS-RELATED CONSULTATIONS</b>	<b>37</b>	<b>48</b>	<b>67</b>	<b>35</b>	-	-	-	-	-	-	-	-	-	<b>187</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	-	-	-	-	-	-	-	-	2
71	Subpoena(s)	-	-	1	-	-	-	-	-	-	-	-	-	1
72	<b>TOTAL OTHER PETITIONS RECEIVED</b>	-	1	1	1	-	-	-	-	-	-	-	-	3
73	Decisions Ordered	1	2	1	1	-	-	-	-	-	-	-	-	5
74	Cases Settled	2	3	1	1	-	-	-	-	-	-	-	-	7
75	Cases Dismissed	-	-	-	-	-	-	-	-	-	-	-	-	-
76	Petitions Withdrawn	1	-	-	-	-	-	-	-	-	-	-	-	1
77	<b>TOTAL CASES CLOSED</b>	4	5	2	2	-	-	-	-	-	-	-	-	13
78	Appeals Received	1	2	-	-	-	-	-	-	-	-	-	-	3
79	Total Open Cases (Tenant Petitions)	3	2	2	2	-	-	-	-	-	-	-	-	9
80	Total Open Cases (Landlord Petitions)	14	13	9	5	-	-	-	-	-	-	-	-	41
81	Total Open Cases (Other Petitions)	-	1	-	-	-	-	-	-	-	-	-	-	1
82	<b>TOTAL OPEN CASES</b>	17	16	11	7	-	-	-	-	-	-	-	-	51
83	<b>Form Submissions</b>													
84	Agent Authorization	-	-	-	-	-	-	-	-	-	-	-	-	-
85	Proof of Excess Rent Refund	-	-	-	-	-	-	-	-	-	-	-	-	-
86	Proof of Permanent Relocation Payment	-	-	1	-	-	-	-	-	-	-	-	-	1
87	Proof of Temporary Relocation Payment	-	-	-	-	-	-	-	-	-	-	-	-	-
88	Change in Terms of Tenancy	22	19	23	13	-	-	-	-	-	-	-	-	77
89	<b>TOTAL RENT INCREASE NOTICES FILED</b>	213	218	114	78	-	-	-	-	-	-	-	-	623
90	Termination of Tenancy - Nonpayment of Rent	86	112	94	133	-	-	-	-	-	-	-	-	425
91	Termination of Tenancy - Breach of Lease	1	2	3	2	-	-	-	-	-	-	-	-	8
92	Termination of Tenancy - Failure to Give Access	-	-	-	-	-	-	-	-	-	-	-	-	-
93	Termination of Tenancy - Nuisance	-	3	-	2	-	-	-	-	-	-	-	-	5
94	Termination of Tenancy - Withdrawal from the Rental Market	1	-	-	5	-	-	-	-	-	-	-	-	6
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	97	142	-	-	-	-	-	-	-	-	444

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: November 16, 2022

Final Decision Date Deadline: November 16, 2022

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

## INDICATE APPROPRIATE BODY

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

## ITEM

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

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

AGENDA ITEM NO:

**F-3.**

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

**ITEM F-3**

OBJECT	ORIGINAL BUDGET	ADOPTED BUDGET	Period 1	Period 2	Period 3	Period 4	ENCUMBRANCES	YTD TOTAL	AVAILABLE BUDGET	% USED
			July	August	September	October				
340445 Rental Housing Fees	(3,062,687.00)	(3,062,687.00)	(28,326.50)	(766,007.22)	(768,831.20)	(288,653.83)	-	(1,851,818.75)	(1,210,868.25)	60.5%
<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>(768,831.20)</b>	<b>(288,653.83)</b>	-	<b>(1,851,818.75)</b>	<b>(1,210,868.25)</b>	<b>60.5%</b>
361701 Interest	(14,000.00)	(14,000.00)	-	-	-	(5,706.79)	-	(5,706.79)	(8,293.21)	40.8%
361705 Realized Gain	-	-	-	-	-	1,446.34	-	1,446.34	(1,446.34)	100.0%
<b>TOTAL INTEREST &amp; REALIZED INCOME</b>	<b>(14,000.00)</b>	<b>(14,000.00)</b>	-	-	-	<b>(4,260.45)</b>	-	<b>(4,260.45)</b>	<b>(9,739.55)</b>	<b>30.4%</b>
364855 OTHER REV/Misc Other Re	-	-	-	-	-	-	-	-	-	100.0%
364867 Revenue from Collections Agency	(30,000.00)	(30,000.00)	-	-	(7,454.91)	(2,545.60)	-	(10,000.51)	(19,999.49)	33.3%
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>(7,454.91)</b>	<b>(2,545.60)</b>	-	<b>(20,000.51)</b>	<b>(19,999.49)</b>	<b>66.7%</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>(776,286.11)</b>	<b>(295,459.88)</b>	-	<b>(1,876,079.71)</b>	<b>(1,230,607.29)</b>	<b>60.4%</b>
400001 SALARIES & WAGES/Executive	719,901.00	719,901.00	58,309.76	58,309.76	58,309.76	58,309.76	-	233,239.04	486,661.96	32.4%
400002 SALARIES & WAGES/Mgmt-Local 21	313,701.00	313,701.00	13,345.14	25,351.72	25,351.72	25,351.72	-	89,400.30	224,300.70	28.5%
400003 SALARIES & WAGES/Local 1021	200,427.00	200,427.00	16,347.30	16,347.30	16,347.30	16,347.30	-	65,389.20	135,037.80	32.6%
400006 SALARIES & WAGES/PT- Temp	-	-	2,751.83	519.90	1,600.90	1,445.49	-	6,318.12	(6,318.12)	100.0%
400031 OVERTIME/General	-	-	-	75.69	62.12	50.46	-	188.27	(188.27)	100.0%
400048 OTHER PAY/Bilingual Pay	8,342.00	8,342.00	682.14	682.14	782.14	882.14	-	3,028.56	5,313.44	36.3%
400049 OTHER PAY/Auto Allowance	4,200.00	4,200.00	350.00	350.00	350.00	350.00	-	1,400.00	2,800.00	33.3%
<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>102,803.94</b>	<b>102,736.87</b>	-	<b>398,963.49</b>	<b>847,607.51</b>	<b>32.0%</b>
400103 P-ROLL BEN/Medicare Tax-ER Shr	18,207.00	18,207.00	1,345.70	1,477.98	1,498.54	1,493.94	-	5,816.16	12,390.84	31.9%
400105 P-ROLL BEN/Health Insurance Be	232,291.00	232,291.00	16,449.48	19,545.08	19,545.08	19,545.08	-	75,084.72	157,206.28	32.3%
400106 P-ROLL BEN/Dental Insurance	17,520.00	17,520.00	1,217.00	1,460.40	1,460.40	1,387.32	-	5,525.12	11,994.88	31.5%
400109 P-ROLL BEN/Employee Assistance	216.00	216.00	15.30	18.36	18.36	18.36	-	70.38	145.62	32.6%
400110 P-ROLL BEN/Professional Dev-Mg	6,750.00	6,750.00	750.00	-	250.00	-	-	1,000.00	5,750.00	14.8%
400111 P-ROLL BEN/Vision	2,052.00	2,052.00	143.10	171.72	171.72	166.44	-	652.98	1,399.02	31.8%
400112 P-ROLL BEN/Life Insurance	4,139.00	4,139.00	281.43	327.53	327.53	327.53	-	1,264.02	2,874.98	30.5%
400114 P-ROLL BEN/Long Term Disabilit	12,342.00	12,342.00	462.00	525.04	526.09	526.09	-	2,039.22	10,302.78	16.5%
400116 P-ROLL BEN/Unemployment Ins	5,472.00	5,472.00	456.00	494.00	494.00	494.00	-	1,938.00	3,534.00	35.4%
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	1,133.16	1,065.91	-	4,623.97	13,073.03	26.1%
400122 P-ROLL BEN/Worker Comp-Prof	70,286.00	70,286.00	4,872.54	5,688.98	5,688.98	5,688.98	-	21,939.48	48,346.52	31.2%
400127 P-ROLL BEN/OPEB	40,723.00	40,723.00	2,904.06	3,300.28	3,300.28	3,300.28	-	12,804.90	27,918.10	31.4%
400130 P-ROLL BEN/PARS Benefits	-	-	35.78	6.76	20.97	18.79	-	82.30	(82.30)	100.0%
400149 P-ROLL BEN/PERS-Misc	156,287.00	156,287.00	11,156.46	12,666.88	12,679.46	12,692.04	-	49,194.84	107,092.16	31.5%
400151 P-ROLL BEN/PERS-Misc (UAL)	286,056.00	286,056.00	19,865.10	23,838.12	23,838.12	23,838.12	-	91,379.46	194,676.54	31.9%
<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>70,952.69</b>	<b>70,562.88</b>	-	<b>273,415.55</b>	<b>598,872.45</b>	<b>31.3%</b>
400201 PROF SVCS/Professional Svcs	143,455.00	146,455.00	-	260.16	813.00	732.57	18,744.27	1,805.73	125,905.00	14.0%
400206 PROF SVCS/Legal Serv Cost	210,000.00	210,000.00	12,500.00	10,416.00	(2,084.00)	10,416.00	156,252.00	31,248.00	22,500.00	89.3%
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	-	-	-	649.00	-	649.00	151.00	81.1%
400280 ADM EXP/Program Supplies	5,380.00	5,380.00	-	96.01	98.03	543.98	-	738.02	4,641.98	13.7%
<b>TOTAL PROF &amp; ADMIN SERVICES</b>	<b>362,085.00</b>	<b>365,085.00</b>	<b>12,500.00</b>	<b>10,772.17</b>	<b>(1,172.97)</b>	<b>12,341.55</b>	<b>174,996.27</b>	<b>34,440.75</b>	<b>155,647.98</b>	<b>57.4%</b>
400231 OFF EXP/Postage & Mailing	17,300.00	17,300.00	137.37	-	-	3,272.45	-	3,409.82	13,890.18	19.7%
400232 OFF EXP/Printing & Binding	24,404.00	24,104.00	-	-	-	1,352.24	-	1,352.24	22,751.76	5.6%
400233 OFF EXP/Copying & Duplicating	500.00	500.00	-	-	-	-	-	-	500.00	0.0%
400304 RENTAL EXP/Equipment Rental	9,000.00	9,000.00	-	-	186.58	594.66	4,519.00	781.24	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	(316.61)	359.09	-	503.43	4,496.57	10.1%
<b>TOTAL OTHER OPERATING</b>	<b>60,204.00</b>	<b>59,904.00</b>	<b>137.37</b>	<b>460.95</b>	<b>(130.03)</b>	<b>5,578.44</b>	<b>4,519.00</b>	<b>6,046.73</b>	<b>49,338.27</b>	<b>17.6%</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	-	-	-	28.11	236.89	28.11	35.00	88.3%

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

**ITEM F-3**

Period 1      Period 2      Period 3      Period 4  
**July            August          September      October**

OBJECT	ORIGINAL BUDGET	ADOPTED BUDGET	MTD ACTUAL	MTD ACTUAL	MTD ACTUAL	MTD ACTUAL	ENCUMBRANCES	YTD TOTAL	AVAILABLE BUDGET	% USED
400552 PROV FR INS LOSS/Ins Gen Liab	9,300.00	9,300.00	-	-	8,077.00	-	8.00	8,077.00	1,215.00	86.9%
<b>TOTAL PROVISION FOR INS LOSS</b>	<b>9,300.00</b>	<b>9,300.00</b>	-	-	<b>8,077.00</b>	-	<b>8.00</b>	<b>8,077.00</b>	<b>1,215.00</b>	<b>86.9%</b>
400574 COST POOL/(ISF)-Gen Liability	83,934.00	83,934.00	-	-	-	27,974.00	-	27,974.00	55,960.00	33.3%
400586 COST POOL/(CAP)- Admin Charges	52,481.00	52,481.00	-	-	-	17,492.00	-	17,492.00	34,989.00	33.3%
400591 COST POOL/(IND)Civic Ctr Alloc	48,217.00	48,217.00	-	-	-	16,073.00	-	16,073.00	32,144.00	33.3%
<b>TOTAL COST POOL</b>	<b>184,632.00</b>	<b>184,632.00</b>	-	-	-	<b>61,539.00</b>	-	<b>61,539.00</b>	<b>123,093.00</b>	<b>33.3%</b>
<b>TOTAL EXPENDITURES</b>	<b>2,735,580.00</b>	<b>2,738,580.00</b>	<b>165,612.27</b>	<b>183,580.88</b>	<b>180,530.63</b>	<b>252,786.85</b>	<b>179,760.16</b>	<b>782,510.63</b>	<b>1,776,309.21</b>	<b>35.1%</b>
<b>NET OPERATING (SURPLUS)/DEFICIT</b>	<b>(371,107.00)</b>	<b>(368,107.00)</b>	<b>137,285.77</b>	<b>(592,426.34)</b>	<b>(595,755.48)</b>	<b>(42,673.03)</b>	<b>179,760.16</b>	<b>(1,093,569.08)</b>	<b>545,701.92</b>	<b>248.2%</b>
<b>CASH BALANCE</b>			<b>1,190,972.61</b>	<b>1,777,746.74</b>	<b>2,351,909.32</b>	<b>2,394,736.07</b>				

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: November 16, 2022

Final Decision Date Deadline: November 16, 2022

**STATEMENT OF THE ISSUE:** Statement of the Issue: At the November 17, 2021, Regular Meeting of the Richmond Rent Board, the Board adopted Regulation 425, titled, "Waiver of Delinquent Residential Housing Fee Assessment. As required by Regulation 425, the Executive Director or 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 November 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 November 2022 pursuant for Regulation 425 - Rent Program (Nicolas Traylor/510-620-6564).

AGENDA ITEM NO:

**F-4.**

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To: Members of the Richmond Rent Board

From: Fred Tran, Deputy Director

Re: Late Fee Waiver Recommendation - Crescent Park EAH LP

Date: November 16, 2022

Late Fee Waiver Recommendations Pursuant to Regulation 425

As required by Regulation 425, the Executive Director or 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 November 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)
Crescent Park EAH LP	October 17, 2022	Unable to collect due to COVID-19, paid invoice	Full waiver of late fees	\$12,001.50	\$12,001.50	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 the request dated October 17, 2022 (Attachment 1) Bipin Patel with Crescent Park EAH LP indicated that they were 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. Rent Program Staff verified a payment was made for the current fiscal year’s outstanding Residential Rental Housing Fee on October 21, 2022, in an amount of \$48,006.00.

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, Rent Program Staff verified Crescent Park EAH LP 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.*

Crescent Park EAH LP owns and operates numerous multi-family Government-Subsidized units throughout the City of Richmond. Rent Program Staff confirmed six Property Enrollment forms were submitted to comply with requirements.

Rent Program Staff verified a payment was made for the current fiscal year's outstanding Residential Rental Housing Fee on October 21, 2022, in an amount of \$48,006.00.

Rent Program Staff confirmed Crescent Park EAH LP timely paid invoices during the last (4) four fiscal years which demonstrated a Good Cause and warrants a waiver of late fees.

Staff Recommendation

Crescent Park EAH LP has shown good faith efforts to come into compliance by contacting the Rent Program to inquire about their invoices, paying the unpaid Rental Housing Fees due, and submitting the Property Enrollment forms for their numerous multi-family Government-subsidized units. Considering these factors, staff recommend that a full waiver of late fees, in the amount of \$12,000.50 be granted.

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## Request to Remove Late Fees

Property Owner Name: CRESCENT PARK EAH LP

FRJC #: \_\_\_\_\_

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

The Property Owner has requested the removal of late fees on their account totaling \$ 12,001.50 for the following reason:

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

### Declaration & Signature:

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

Signature of Landlord/Property Manager: Bipin Patel Digitally signed by Bipin Patel  
Date: 2022.10.17 07:03:37 -0700' Date: 10 / 17 / 2022

Printed Name: Bipin Patel

### 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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To: Members of the Richmond Rent Board

From: Fred Tran, Deputy Director

Re: Late Fee Waiver Recommendation - 621 21<sup>st</sup> St. and 1803-1805 Roosevelt Ave.

Date: November 16, 2022

Late Fee Waiver Recommendations Pursuant to Regulation 425

As required by Regulation 425, the Executive Director or 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 November 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)
Xiao Ling Zhou	October 18, 2022	Other - Owner thought due date was later	Full waiver of late fees	\$57.90	\$57.90	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"

Rent Program staff received a completed Request to Remove Late Fees dated October 18, 2022 (Attachment 1) from Xiao Ling Zhou the property owner of 621 21<sup>st</sup> St. & 1803-1805 Roosevelt Avenue. Xiao Ling Zhou indicated that the reason for paying late was that the owner was taking care of a sick relative and did not realize the annual Rental Housing Fee Invoice was due.

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, Xiao Ling Zhou 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.*

Rent Program staff verified with Contra Costa County records that 621 21<sup>st</sup> St. is a Residential Single-Family built in 1918. Rent Program staff also verified with Contra Costa County records that 1803-1805 Roosevelt Ave. is a Duplex built in 1923. Rent Program staff confirmed that Xiao Ling Zhou paid the unpaid fees (minus late fees) for

both properties on October 17, 2022. Rent Program staff confirmed 621 21<sup>st</sup> St. and 1803-1805 Roosevelt Ave. were enrolled with the Richmond Rent Program on December 26, 2018. 1803-1805 Roosevelt Ave. Tenancy Registration was completed with the Rent Program on December 26, 2018. Based on the above-mentioned facts, Xiao Ling Zhou has demonstrated a Good Cause that warrants a waiver of late fees with timely paid invoices during the last (4) four fiscal years.

Staff Recommendation

Xiao Ling Zhou has shown good faith efforts to come into compliance, by contacting the Rent Program to inquire about the invoice, paying the unpaid Rental Housing Fees due, completing the Tenancy Registration, and submitting the Property Enrollment form. Considering these factors, staff recommends that a full waiver of late fees, in the amount of \$57.90 be granted.

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### Request to Remove Late Fees

Property Owner Name: XIAO LING ZHOU

FRJC #: \_\_\_\_\_

Property Owner: \_\_\_\_\_

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

57.90

- 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: I took care <sup>very</sup> sick relative for couple months, I am so sorry when I get to the invoice I am already late for this bill, kindly requested Courtesy

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: 10/18/2022

Printed Name: XIAO LING ZHOU

Thank you very muc

#### 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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To: Members of the Richmond Rent Board

From: Fred Tran, Deputy Director

Re: Late Fee Waiver Recommendation - 768 Yuba St.

Date: November 16, 2022

Late Fee Waiver Recommendations Pursuant to Regulation 425

As required by Regulation 425, the Executive Director or 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 November 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)
Barbara A Tucker	August 26, 2022	Owner mailed a check and paid 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 the request dated August 26, 2022, (Attachment 1) Barbara A Tucker, the property owners at 768 Yuba St., indicated that a check was mailed out on July 13, 2021, for prior fiscal year’s invoice. A payment was made for current and prior fiscal year fees when it was discovered the check was not cashed. Rent Program staff confirmed Barbara A Tucker paid the base Residential Rental Housing Fees for Fiscal Years 2021-2022 and 2022-2023 on September 13, 2022.

Payment History

Where a requestor has made timely payments in the prior two (2) fiscal years, their request shall be ministerially granted. Such requests do not require a showing of Good Cause and are not subject to the provisions of Regulation 425 (D) and Regulation 425 (E). Regulation 435 (D) and (E), provide the factors required when making a determining of good cause.

In this case, Barbara A Tucker 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.*

Rent Program staff verified with Contra Costa County records that 768 Yuba Street is a Residential Single-Family built in 1955. Rent Program staff confirmed Barbara A Tucker paid the base Residential Rental Housing Fees for Fiscal Years 2021-2022 and 2022-2023 on September 13, 2022.

Barbara A Tucker, the property owners at 768 Yuba St., indicated that a check was mailed out on July 13, 2021, for prior fiscal year's invoice. A payment was made for current and prior fiscal year fees when they discovered the check was not cashed. Rent Program staff confirmed that Barbara A Tucker enrolled the property with the Richmond Rent Program on November 3, 2022. Barbara A Tucker has demonstrated a Good Cause that warrants a waiver of late fees with timely paid invoices during the last (4) four fiscal years.

Staff Recommendation

Barbara A Tucker has shown good faith efforts to come into compliance, by contacting the Rent Program to inquire about the invoices, paying the unpaid Rental Housing Fees due, and submitting the Property Enrollment form. Considering these factors, staff recommends 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: BARBARA A TUCKER TRUSTEE

FRJC #: \_\_\_\_\_

Property C: \_\_\_\_\_

The Property Owner has requested the removal of late fees on their account totaling \$ 6150  
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.)

CHECK WAS NEVER RETURNED TO ME

Other: check # 907 was mailed 7/13/21

THEN IN AUGUST 2021 I WAS HOSPITALIZED w/ COVID-19/PNEUMONIA - NEVER RECEIVED ANY LATE OR NON-PAYMENT

Declaration & Signature: NEVER RECEIVED ANY LATE OR NON-PAYMENT NOTICE TIL THIS YEARS INVOICE  
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: Barbara Tucker Date: 8/26/2022

Printed Name: BARBARA A TUCKER, TRUSTEE

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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To: Members of the Richmond Rent Board

From: Fred Tran, Deputy Director

Re: Late Fee Waiver Recommendation - 5024 Mozart Drive

Date: November 16, 2022

Late Fee Waiver Recommendations Pursuant to Regulation 425

As required by Regulation 425, the Executive Director or 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 November 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)
Sunny Leung	August 19, 2022	Owner 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”

Rent Program staff received a completed Request to Remove Late Fees dated August 19, 2022, from Sunny Leung the property owner at 5024 Mozart Drive. Sunny indicated that the reason for paying late was that the owner did not receive an invoice last year.

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, Sunny Leung 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.*

Rent Program staff verified with Contra Costa County records that 5024 Mozart Drive is a Residential Single-Family built in 1981. Rent Program staff confirmed that Sunny Leung paid the unpaid fees (minus late fees) on August 18, 2022, and enrolled the property with the Richmond Rent Program on December 16, 2018. Based on the above-mentioned facts, Sunny Leung claims that the invoice from last year was not received. Sunny Leung has demonstrated a Good Cause that warrants a waiver of late fees with timely paid invoices during the last (4) four fiscal years.

Staff Recommendation

Sunny Leung has shown good faith efforts to come into compliance, by contacting the Rent Program to inquire about the invoice, paying the unpaid Rental Housing Fees due, and submitting the Property Enrollment form. Considering these factors, staff recommends that a full waiver of late fees, in the amount of \$61.50 be granted.

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To: Members of the Richmond Rent Board

From: Fred Tran, Deputy Director

Re: Late Fee Waiver Recommendation – 5504 Conestoga Way

Date: November 16, 2022

Late Fee Waiver Recommendations Pursuant to Regulation 425

As required by Regulation 425, the Executive Director or 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 November 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)
Kurt Worthington	September 22, 2022	Other - Owner thought due date later	Partial Waiver to the 10% penalty level	\$61.50	\$36.50	\$25.00

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 the request dated September 22, 2022, (Attachment 1) Kurt Worthington the property owner at 5504 Conestoga Way indicated that the reason for paying late was that the owner did not realize the annual Rental Housing Fee Invoice was due 30 days from the date of issue. Once he realized the fee was past due, he paid the fees immediately. Kurt also offered to pay the following year Rent Housing Fee.

Rent Program staff confirmed Kurt Worthington met the requirements of enrolling the property on May 15, 2019. Rent Program staff confirmed Kurt Worthington paid the base Residential Rental Housing Fees for Fiscal Years 2021-2022 and 2022-2023 on September 21, 2022.

Upon additional research, Rent Program staff verified a prior late fee waiver had been submitted to the Program and approved on May 19, 2021, for prior years Rental Housing Fee. The reason for the prior submittal was due to “never receiving the initial 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, timely payments were not made during the last two fiscal years, disallowing 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.*

Rent Program staff confirmed Kurt Worthington paid the base Residential Rental Housing Fees for Fiscal Years 2021-2022 and 2022-2023 on September 21, 2022, when he realized the fees were outstanding.

Rent Program staff verified with Contra Costa County records that 5504 Conestoga Way is a Residential Single-Family built in 1986.

Staff Recommendation

Kurt Worthington displayed good faith in his efforts to be in compliance, by contacting the Rent Program to inquire about the invoices, being enrolled with the Rent Program, and paying all past fees due (minus late fees). Staff recommends a partial waiver of the late fees to at least a 10% percent assessment pursuant to Rent Board Regulation 425 G (3). Regulation 425 G (3) requires that if there was one late fee waiver request granted in the prior three fiscal years, the late fee assessment shall be reduced to at least a 10% percent assessment. Since a late fee waiver was previously granted for in May 2021, a 10% late fee penalty of \$25.00 should be assessed.

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## Request to Remove Late Fees

Property Owner Name: Kurt Worthington

FRJC #: \_\_\_\_\_

Property Owner Phone Number or Email: [REDACTED]

The Property Owner has requested the removal of late fees on their account totaling \$61.00 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: I just saw the Invoice a week ago and believe it came in around mid august and I thought I had some time to pay it. I even asked if I could pay next years to avoid the confusion but they said they were unable to do that

### 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: Kurt Worthington Date: 9 / 22 / 2022

Printed Name: Kurt Worthington

### 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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# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: November 16, 2022

Final Decision Date Deadline: November 16, 2022

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

## INDICATE APPROPRIATE BODY

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

## ITEM

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

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

AGENDA ITEM NO:

**F-5.**

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# AGENDA REPORT

**DATE:** November 16, 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 38,104 confirmed cases of COVID-19 and at least 190 deaths in the City of Richmond. That is an increase of approximately 326 confirmed Covid cases and no increase in Covid-related deaths in 30 days. Although the increases for the past 30 days are more stable than the prior 30 days, as depicted in last month's agenda report, 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.

As of today, the Contra County infection rate is considered "stable" and we are trending towards a positive outlook. However, Richmond resident are still getting sick and are at risk of dying from Covid-19. Consequently, city officials remain vigilant, as they send out emails advising employees of the need for social distancing, constant mask wearing, and vaccinations. As prior months have demonstrated, Covid-19 is resilient and its infection rates can increase given any lapse of vigilance in the community, especially during the fall season. Additionally, City Council has continued to pass its Resolution under AB 361,

## ITEM F-5

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 22-12

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RESOLUTION NO. 22-12

**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-5**  
**ATTACHMENT 1**

person, and that social distancing should be used, including six feet of spacing between all in attendance; and

**WHEREAS**, without limiting any requirements under applicable federal, state or local pandemic-related rules, orders or directives of the Health Officer of Contra Costa County, who has 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, vaccinations 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 COVID-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-5  
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 November 16, 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: November 16, 2022

Final Decision Date Deadline: November 16, 2022

**STATEMENT OF THE ISSUE:** On February 20, 2019, the Rent Board adopted Resolution 19-01, which established additional terms of exemption for Low-Income Housing Tax Credit (LIHTC) units from the rent control provisions of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance in conformance with Regulation 202. Additionally, Resolution 19-01 requires Rent Program staff to compile a report to the Rent Board on the state of Governmentally Subsidized Rental Units in the City of Richmond based on program data. The Rent Program has prepared the required report for the Rent Board to determine overall compliance of LIHTC developments in Richmond and determine next steps regarding their exemption under Regulation 202.

## INDICATE APPROPRIATE BODY

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

## ITEM

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) |  |   |
| <input type="checkbox"/> Public Hearing   | <input type="checkbox"/> Regulation  | <input type="checkbox"/> Other: <u>CONSENT CALENDAR</u> |
| <input type="checkbox"/> Contract/Agreement   | <input checked="" 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 2020-21 Affordable Housing Report summarizing Low-Income Housing Tax Credit (LIHTC) developments' compliance in Richmond and determine the next steps for LIHTC properties and exemptions under Regulation 202 – Rent Program (Nicolas Traylor, 620-6564).

AGENDA ITEM NO:

**H-1.**

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# AGENDA REPORT

**DATE:** November 16, 2022

**TO:** Chair Finlay and Members of the Rent Board

**FROM:** Nicolas Traylor, Executive Director

**SUBJECT:** 2020-2021 REPORT ON AFFORDABLE HOUSING AND COMPLIANCE WITH REGULATION 202 AND RESOLUTION 19-01

## **STATEMENT OF THE ISSUE:**

On February 20, 2019, the Rent Board adopted Resolution 19-01, which established additional terms of exemption for Low-Income Housing Tax Credit (LIHTC) units from the rent control provisions of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance in conformance with Regulation 202. Additionally, Resolution 19-01 requires Rent Program staff to compile a report to the Rent Board on the state of Governmentally Subsidized Rental Units in the City of Richmond based on program data. The Rent Program has prepared the required report for the Rent Board to determine overall compliance of LIHTC developments in Richmond and determine next steps regarding their exemption under Regulation 202.

## **RECOMMENDED ACTION:**

RECEIVE the 2020-21 Affordable Housing Report summarizing Low-Income Housing Tax Credit (LIHTC) developments' compliance in Richmond and determine the next steps for LIHTC properties and exemptions under Regulation 202 – Rent Program (Nicolas Traylor, 620-6564).

## **FISCAL IMPACT:**

There is no fiscal impact of receiving this report.

## **DISCUSSION:**

### Background

On November 15, 2017, the Rent Board adopted Regulation 202, exempting "Governmentally Subsidized Rental Units" from the Rent Control provisions of the

## ITEM H-1

Richmond Fair Rent and Just Cause for Eviction Ordinance, and Regulation 204, which established the terms for this exemption.

In early 2018, residents at Heritage Park at Hilltop Apartments, a Low-Income Housing Tax Credit (LIHTC) development serving individuals 55 years or older voiced concerns to the Rent Board about receiving rent increases in excess of 10%. In response, the Richmond Rent Board adopted Resolution 19-01 and amended Regulation 204 which established additional terms of exemption for LIHTC developments from the Rent Control provisions of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance. Additionally, the Resolution requires Rent Program Staff to compile information on Low-Income Housing Tax Credit (LIHTC) properties in a report that provides the Rent Board a comprehensive overview of compliance during the 2020-21 calendar years. This report will help the Rent Board decide whether to maintain LIHTC properties' exemption from Rent Control, as permitted by Regulation 202. This report will also touch on some of the key services provided to governmentally subsidized Tenants and Affordable Housing Providers and a summary of notices of termination of tenancy filed at the Affordable Housing properties in Richmond for fiscal years 2019-20 and 2020-21.

### Contents of Attached Report

1. Introduction and Purpose of this Report.
2. Overview of Richmond's Affordable Housing Stock
3. Overview of Governmentally Subsidized Notices of Termination of Tenancy for FY 2019-20 and 2020-21
4. Overview of Rent Program Services Provided to Governmentally Subsidized Tenants and Affordable Housing Providers
5. Compliance with Regulation 202 and Resolution 19-01
6. Next Steps

### Next Steps

This report was compiled by Rent Program staff to allow the Rent Board to determine overall compliance of LIHTC properties from January 2019 – December 2021. Using this information, the Rent Board can discuss whether to move forward with exemption or non-exemption under Regulation 202.

### **DOCUMENTS ATTACHED:**

Attachment 1 – 2020-21 Affordable Housing Report

Attachment 2 – Regulation 202 & 204

Attachment 3 – Resolution 19-01

Attachment 4 – Affordable Housing Matrix

# 2020-21 AFFORDABLE HOUSING REPORT

CITY OF RICHMOND RENT PROGRAM



Photos courtesy of the City of Richmond Community Development Department



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## **INTRODUCTION AND PURPOSE OF THIS REPORT**

On November 15, 2017, the Richmond Rent Board adopted Regulation 202 and Regulation 204 exempting “Governmentally Subsidized Rental Units” from the rent control provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance. According to Regulation 204, these rental units shall not be exempt in cases where the property owner has failed to substantially comply with timely payment of all owing Residential Housing Fees, payment of Business License Tax, enrollment of all applicable rental units, and all requirements set forth in any regulatory agreement between a developer and/or property owner and a Federal, State, or government entity.

Governmentally subsidized rental units make up 20% of Richmond’s rental housing stock. These rental units include Section 8 voucher rentals, HUD project based Rental Units, and Low-Income Housing Tax Credits (LIHTC).

LIHTC Rental Units are not directly subsidized by the governmental. Instead, construction of LIHTC units is funded through the tax code and state treasury agencies. Rent levels for LIHTC units are linked to household income. However, unlike subsidized housing programs, such as the Section 8 Housing Choice Voucher program, rent adjustments track the Area Median Income (AMI) of a region, rather than an individual household’s income. As such, rent increases in LIHTC units don’t directly correspond to changes in a household’s financial circumstances. Additionally, the California Tax Credit Allocation Committee (TCAC) – the state agency regulating LIHTC - does not regulate the frequency or percentage of rent increases; it only establishes maximum rents by bedroom size and income bracket. Without limitations on the amount of rent increase that can be imposed at any one-time, low-income tenants faced potential “rent shock” that could result in significant financial hardship and even displacement. Residents at Heritage Park at Hilltop Apartments raised this concern at a Rent Board and City Council meetings in early 2018, after they received a rent increase more than 10%.

In response to these concerns about possible “rent shock,” the Rent Board amended Regulation 204 and implemented Resolution 19-01. Adopted February 20, 2019, Resolution 19-01 established additional terms of exemption for LIHTC units from the provisions of the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance in conformance with Regulation 202. To mitigate “rent shock” for tenants, the resolution provides that the owner of a LIHTC unit may increase the rent up to the maximum allowed by TCAC at any time, so long as the increase does not exceed 5% annually. Additionally, LIHTC providers are required to meet annually with Rent Program staff to review information pertaining to compliance with Regulation 204, housing quality and rents. Rental information must be provided in an editable spreadsheet and include the current and proposed rent within 60 calendar days from the day TCAC releases its permitted Maximum Rent Schedule.

This annual report on Affordable Housing covers the period of July 1, 2020 – June 31, 2021 (eviction data covers FY 2019-20 and 2020-21) and provides the Rent Board an opportunity to consider the overall compliance of LIHTC properties with the Rent Board’s adopted

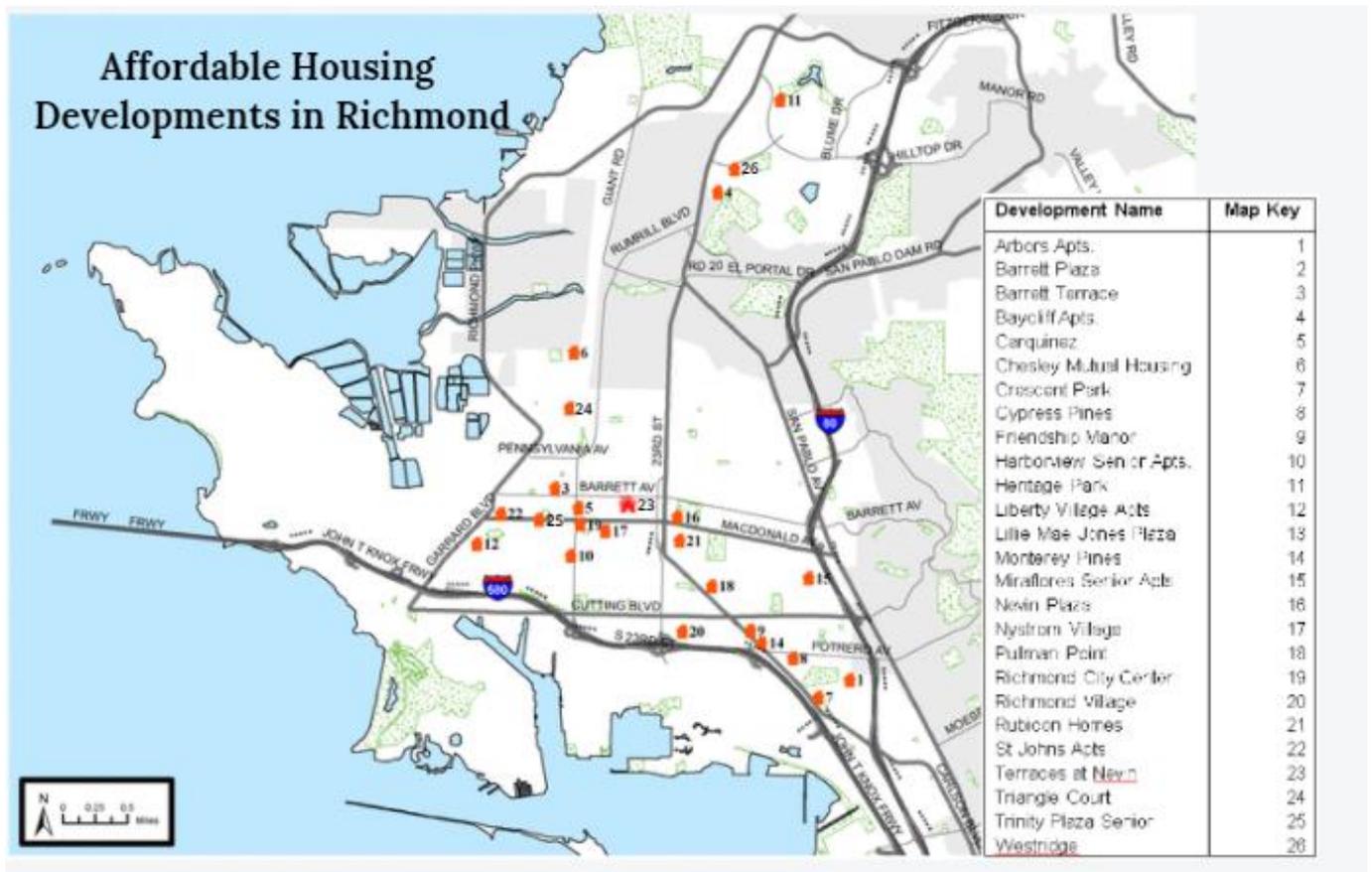
regulations and Resolution 19-01. The Rent Board can use this report to decide whether to maintain the LIHTC Rental Unit Exemption as granted in Regulation 202.

**OVERVIEW OF RICHMOND’S AFFORDABLE HOUSING STOCK**

Over 20% of Richmond’s rental housing stock receives some form of government assistance to provide affordability for low- and moderate-income households. Of the 4,337 governmentally subsidized rental units in Richmond, 2,925 units have been built using Low Income Housing Tax Credits. There are 789 units that receive HUD Project-Based Rental Assistance and 1,215 with Housing Choice Vouchers from the Contra Costa County Housing Authority. Many of the units fall under multiple affordable housing programs, with more than half of the LIHTC units also receiving HUD subsidies.

There are 26 affordable housing properties in Richmond currently, as shown in the map and key below. The map includes both LIHTC and non-LIHTC affordable housing. Most are clustered in the south and west of the city, while there are a few in the north.

Currently, there are five affordable housing projects that have been approved for development. These projects are the Hacienda Rehab (148 units), Quarry Residential (8 units), Metrowalk Phase 2 (150 units), 100 38<sup>th</sup> Street (133 units), 5620 Central (39 units) and Villas at Renaissance (105 units). In total, these projects will add 335 Very Low-Income



units and 240 Moderate Income units to the affordable housing market.

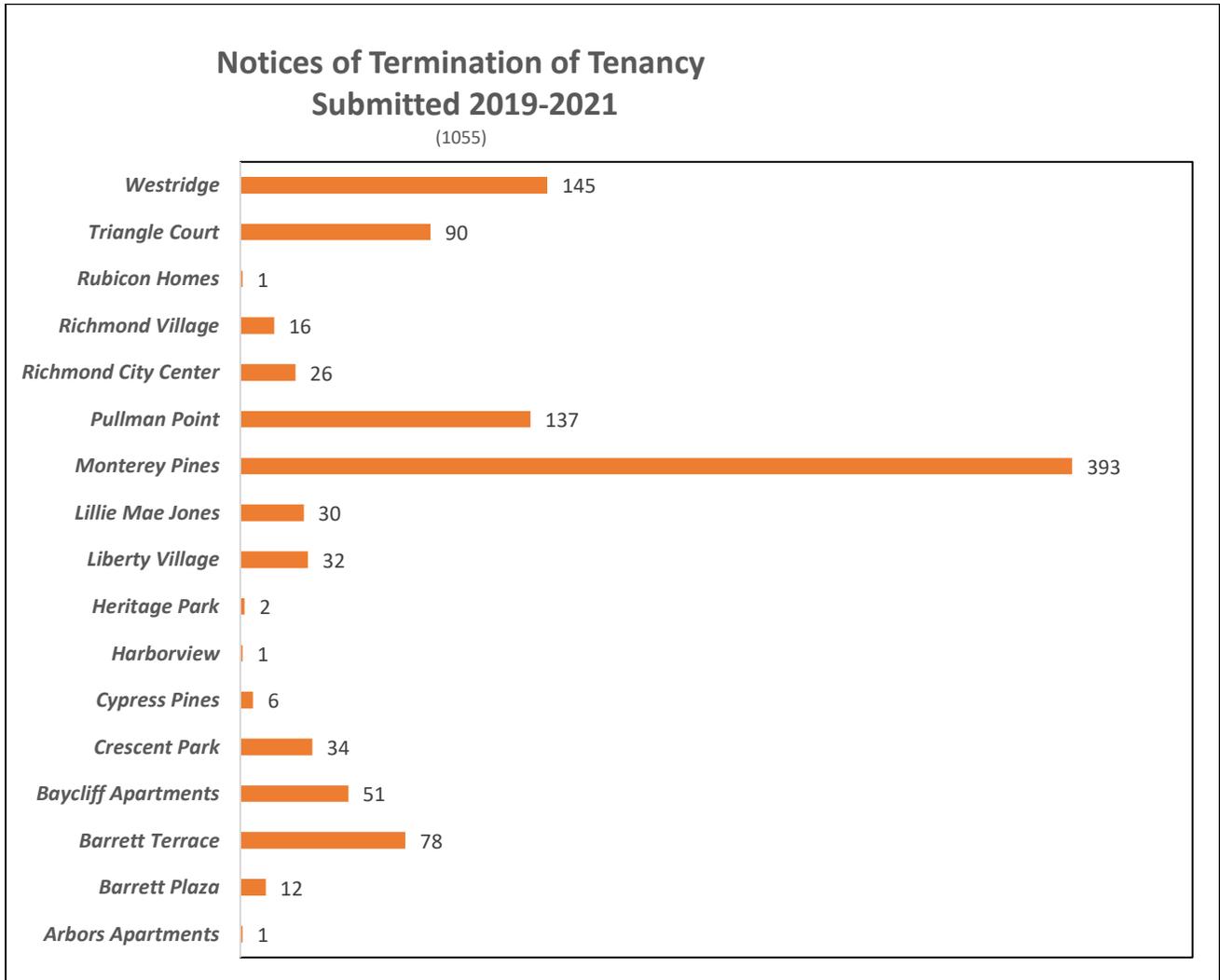
**Figure 1: Affordable Housing Developments in Richmond,** Source: City of Richmond Rent Program, 2021

## **OVERVIEW OF GOVERNMENTALLY SUBSIDIZED NOTICES OF TERMINATION OF TENANCY FROM FY 2019-20 and 2020-21**

Under the Richmond Rent Ordinance and Rent Board Regulations, Landlords in Richmond, are required to submit to the Rent Program any notice of termination of tenancy served on a Tenant within 2-business days of having served the notice on the Tenant. Since the 2019-20 Affordable Housing Report did not include eviction related data, this report will include eviction data for both 2019-20, and 2020-21. During these two fiscal years, the Rent Program logged 1055 notices of termination of tenancy across 17 affordable housing properties. The highest number of notices of termination of tenancy came from Monterey Pines, with 393 notices filed with the Rent Program over the two fiscal years, followed by Westridge (145) and Pullman Point (137).

In fiscal year 2020-21, the total number of notices of termination of tenancy filed with the Rent Program for all Rental Units dropped significantly (approximately 70%) due to the Tenant Protection Act of 2020, which prohibited most evictions for non-payment of rent for Tenants experiencing financial hardship caused by the COVID-19 pandemic. Although not detailed in this report, submission of notices of termination of tenancy of governmentally subsidized rental units also decreased by around 70% in fiscal year 2020-21.

During the COVID-19 pandemic, the Rent Program continued to monitor and perform outreach related to notices of termination of tenancy submitted for governmentally subsidized tenancies. Notices that were not in compliance with local, state, or federal eviction moratoria, the City of Richmond's Urgency Ordinance, or the requirement to have Just Cause to evict were flagged and a courtesy compliance letter sent to both to the Landlord/property management and the Tenant. Additionally, virtually all notices of termination of tenancy submitted to the Rent Program for governmentally subsidized Rental Units resulted in an informational letter being sent to the Tenant and Landlord/property management regarding the requirement to have Just for Eviction and to contact the Rent Program for any eviction related questions. The letter also provided both parties with information about local and state Emergency Rent Relief Programs.



Source: City of Richmond Rent Program, 2022

## OVERVIEW OF RENT PROGRAM SERVICES PROVIDED TO GOVERNMENTALLY SUBSIDIZED TENANTS AND AFFORDABLE HOUSING PROVIDERS

Tenants and Landlords of partially covered Rental Units (exempt from the Rent Control provision of the Richmond Rent Ordinance but covered by the requirement to have Just Cause to evict) such as governmentally subsidized units, single family dwellings, condominiums, and post February 1, 1995, permitted construction, receive counseling from the Rent Program on eviction related issues, habitability problems, temporary and permanent relocation assistance, and other Landlord/Tenant issues. As part of the counseling process, in many cases, informal mediation is utilized to bring the Affordable Housing Providers and governmentally subsidized Tenants together to understand each other rights. Informal mediation occurs when during a counseling session, housing counselors recognize that a situation is ripe for mediation. Resolution of disputes is often

achieved through “shuttle diplomacy” usually by phone, between management and the Tenant. During fiscal year 2020-2021, the Rent Program conducted over 500 counseling sessions for Affordable Housing Providers and governmentally subsidized Tenants. Additionally, over 70 legal service referrals were made on behalf of governmentally subsidized Tenants over the last two fiscal years. In response to resident complaints, Rent Program staff have also made site visits to Affordable Housing properties, such as Crescent Park, Pullman Point and Heritage Park at Hilltop, to educate Tenants and management about eviction protections and to address habitability, health and safety, nuisance complaints and management issues. Finally, each governmentally subsidized Tenant who receives a notice of termination of tenancy receive outreach and education in the form of an informational letter informing them that the Rent Program has received a notice regarding the termination of tenancy they received and what their rights are under the Just Cause for Eviction provisions of the Rent Ordinance. As a result, over 1,000 informational letters regarding eviction protections were sent to governmentally subsidized Tenants and Affordable Housing Providers during fiscal years 2019-20 and 2020-21. This eviction related outreach often results in Affordable Housing Providers and governmentally subsidized Tenants contacting the Rent Program for additional information, counseling, or legal assistance referrals.

### **COMPLIANCE WITH REGULATION 202 AND RESOLUTION 19-01**

24 out of 26 properties (92%) paid fees for the 2020-2021 fiscal year. The only providers that did not pay fees for fiscal year 2020-2021 was Harborview and the Terraces at Nevin. Collection efforts are underway for these two properties. Additionally, 18 (69%) of the 26 properties required to enroll have completed a property enrollment form and filed it with the Rent Program. As part of the resolution 19-01, LIHTC providers are required to submit spreadsheets of rent increases. Of the 26 properties, 13 are exempt from submitting their spreadsheets. Of the 13 properties that aren't exempt, the Rent Program has received 10 (77%) spreadsheets. Properties that have multiple layers of subsidy such as properties that receive tax credit and Section 8 were not required to submit spreadsheets showing their proposed rent increases. These properties are designated in the table below as Not Applicable (N/A). Only properties that are solely subsidized by LIHTC are required to submit spreadsheets. Multiple emails were sent to follow up with non-compliant providers. **(See Table 1- Summary of Compliance with Resolution 19-01)**

**Table 1: Summary of Compliance with Resolution 19-01**

Source: City of Richmond Rent Program, 2020

Property	FY 2020-2021		Submitted Rent Increase Spreadsheets showing rent increases at or below 5%
	Enrolled	Paid	
Arbors Apartments	Y	Y	Y
Barrett Plaza	N	Y	N/A
Barrett Terrace	N	Y	N/A
Baycliff Apartments	Y	Y	Y
Carquinez	Y	Y	Y
Chesley Mutual	N	Y	Y
Crescent Park	Y	Y	Y
Cypress Pines	Y	Y	N/A
Friendship Manor	Y	Y	N/A
Harborview	Y	N	Y
Heritage Park	Y	Y	Y
Liberty Village	N	Y	Y
Lillie Mae Jones	N	Y	N
Miraflores	Y	Y	N/A
Monterey Pines	Y	Y	Y
Nevin Plaza	Y	Y	N/A
Nystrom Village	Y	Y	N/A
Pullman Point	Y	Y	N/A
Richmond City Center	N	Y	Y
Richmond Village	Y	Y	N
Rubicon Homes	Y	Y	N/A
St Johns Apartments	Y	Y	N/A
The Terraces	N	N	N/A
Triangle Court	Y	Y	N/A
Trinity Plaza	Y	Y	N/A
Westridge	Y	Y	N

## NEXT STEPS

This report was compiled by Rent Program staff to allow the Rent Board to determine overall compliance of LIHTC properties from July 1, 2020- June 31, 2021. Using this information, the Rent Board can discuss whether to move forward with exemption or non-exemption under Regulation 202. The Rent Program anticipates providing the Rent Board with the 2021-22 Affordable Housing Report within the current fiscal year.

## **Chapter 2: APPLICABILITY**

### **200. Purpose**

The purpose of this Chapter 2 is to describe those categories of properties which are exempt from the Ordinance and to provide a process and procedure for those Controlled Rental Units seeking to establish an exemption from this Ordinance.

*[Formerly Regulation 17-01; Adopted November 15, 2017]*

### **201. Rental Units Exempt from both the Rent Control (R.M.C § 11.100.070) and Just Cause for Eviction (R.M.C § 11.100.050) Provisions of the Ordinance**

- A. Rental Units in hotels, motels, inns, tourist homes and rooming and boarding houses that are rented primarily to transient guests for a period of fewer than 14 days;
- B. Rental Units in any hospital, convent, monastery, extended medical care facility, asylum, or non-profit home for the aged, or dormitory owned and operated by an accredited institution of higher education;
- C. Rental Units for which there is a Temporary Tenancy, as defined in R.M.C § 11.100.030(q);
- D. Rental Units that are lawful and in compliance with the Small, Second Unit Ordinance of the City (R.M.C § 11.15.04) if the Primary Residence is occupied by the property owner; and
- E. Rental Units where the Rental Unit is the Primary Residence of the property owner and the property owner shares with a Tenant(s) a bathroom or kitchen.

*[Formerly Regulation 17-03; Adopted July 19, 2017]*

### **201.5 Rooming and Boarding Houses**

- A. For purposes of Regulation 201, Rooming and Boarding house(s) shall mean any building or portion thereof other than a hotel containing at least five (5) rooms individually offered for rent or rented to at least five tenants under separate Rental Housing Agreements.
- B. Where any building, structure, or part thereof is considered a Rooming and Boarding house, each room shall be treated as an individual Rental Unit and must be individually registered with the Rent Program, in a manner consistent with Chapter 4 of these Regulations.
- C. Use of a single Rental Housing Agreement shall not be dispositive in determining whether a building, structure, or part thereof is a Rooming and Boarding house. Rather, the following factors shall be considered by the Rent Program when determining whether a building, structure, or part thereof is a Rooming and Boarding house:

# ITEM H-1 ATTACHMENT 2

- a. Whether the Landlord or Tenant maintains control over Tenant Replacement;
- b. Whether there is a single or multiple Rental Housing Agreement(s);
- c. The relationship between the Tenants of the Rooming and Boarding house;
- d. How Rent is distributed, collected, and/or paid to the Landlord;
- e. Access to common areas and/or housing services; and
- f. The period of occupancy set forth in each single or multiple Rental Housing Agreement.

This is not an exhaustive list and the Rent Program may consider other evidence that has a tendency to prove or disprove that a particular building, structure, or part thereof is a Rooming and Boarding house.

*[Adopted July 18, 2018]*

## **202. Governmentally Subsidized Rental Units Exempt from the Rent Control Provisions of the Ordinance**

The following rental units are exempt from the rent control (RMC 11.100.070), but not the just cause for eviction (RMC 11.100.050) provisions of the Ordinance.

- A. Rental units in which a tenant household holds a Section 8 Housing Choice Voucher and where the rent not does exceed the Payment Standard as published by the U.S. Department of Housing and Urban Development.
- B. Rental units for which the rent is subsidized by the Project-Based Section 8 Program
- C. Rental units that are “rent restricted” in a Low Income Housing Tax Credit Program Project. “Rent Restricted” means the rent charged for the unit is affordable for a qualifying Tenant pursuant to the Regulatory Agreement.
- D. Rental units for which the rent is subsidized by the Section 202 Supportive Housing for the Elderly Program
- E. Rental units that are “rent restricted” under a regulatory agreement between a governmental agency and a property owner. “Rent Restricted” means the rent charged for the unit is affordable for a qualifying Tenant pursuant to the Regulatory Agreement.

*[Formerly Regulation 17-01; Adopted November 15, 2017]*

**203. Other Rental Units Exempt from the Rent Control Provisions of the Ordinance**

In addition to rental units that are exempt from rent control under R.M.C § 11.100.100.030 (d)(1)(2)(4) (5) and (6), rental units which a governmental unit, agency or authority owns, operates or manages are exempt from the rent control provisions of the Ordinance. Section 11.100.030 (d)(3), Richmond Municipal Code.

*[Formerly Regulation 17-01; Adopted November 15, 2017]*

**204. Maintaining an Exemption Pursuant to Regulation 202: Compliance with Applicable Laws and Regulations**

A. Notwithstanding Regulation 202, Rental Units described in Regulation 202 shall not be exempt from Section 11.100.070 of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance where the property owner has failed to substantially comply with all of the applicable provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance, Rent Board Orders, Regulations, and/or Resolutions, as well as the Implied Warranty of Habitability as described in Civil Code 1941.1, and Richmond Municipal Code Section 6.40.040. This includes, but is not limited to, a property owners obligation to comply with the following:

- (1) Timely payment of all owing Residential Rental Housing Fee. For purposes of this provision, a payment shall be considered timely where a property owner remits payment of the Residential Rental Housing Fee within 30 calendar days from the date the Rent Program sends the invoice. Where there is a dispute in the amount owed, payment shall be considered timely where the owner remits payment of the Residential Rental Housing Fee within 30 calendar days from the date the Rent Program sends the amended invoice. However, where the dispute is wholly concerned with assessed late fees, payment shall be considered timely where the owner remits payment of the Residential Rental Housing Fee within 5 calendar days from the date the Rent Program sends the amended invoice or 30 calendar days from the date the Rent Program sent the initial invoice, whichever is later. If a dispute does not result in an amended invoice, payment shall be due within 30 calendar days from the date the Rent Program sent the initial invoice;
- (2) Payment of the Business License Tax pursuant to Richmond Municipal Code Section 11.100.060(1)(1);
- (3) Enrollment of all applicable Rental Units pursuant to Regulation 405(B);
- (4) All of the applicable provisions set forth in Resolution 19-01; and
- (5) Any and all requirements set forth in any regulatory agreement executed between a developer and/or property owner and a Federal, State, or government entity.

## ITEM H-1 ATTACHMENT 2

- B. Where Rent Program Staff members have determined a property owner has failed to comply with any of the obligations set forth in Regulation 204(A), Rent Program Staff members shall immediately notify the property owner in writing of the obligation(s) the property owner has failed to satisfy. The written notification must identify the specific obligation(s) the property owner has failed to satisfy and provide the property owner up to 60 calendar days from the date of mailing of the notification to bring itself into compliance with the identified obligation(s). If a property owner fails to timely comply with the obligation(s) identified in the Rent Program Staff member's written notification, Rent Program Staff members may agendaize an item of noncompliance for the next regularly scheduled Rent Board meeting. The agenda item shall include an identification of the specific property that has failed to comply, specific findings of noncompliance, a recommendation of the removal of the exemption contained in Regulation 202 as it relates to the noncompliant property, and any other information Rent Program staff member(s) deems relevant.
- C. In addition to Regulation 204(A), Rental Units described in Regulation 202 shall not be exempt from Section 11.100.070 of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance where there is no longer in effect (a) a tenant with a Section 8 Housing Choice Voucher in the Rental Unit, (b) the Rental Unit is no longer in a Project-Based Section 8 Program, and/or (c) the Rental Unit is no longer rent restricted under a regulatory agreement and/or declaration of restrictive covenants.
- D. Nothing in Regulation 204(A) and/or Regulation 204(B) shall preclude tenants residing in Rental Units described in Regulation 202 from seeking advice or assistance from the Rent Program concerning applicable provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance and utilizing the remedies provided in the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance to the extent permitted by Federal, State, and local law.

*Formerly Regulation 17-01; Adopted November 15, 2017]  
[Amended February 20, 2019]*

### **205. Application for Exemption Determination**

Notwithstanding Regulation 403, a Landlord may request that an administrative decision be rendered regarding the applicability of R.M.C. 11.100 et. seq (Fair Rent, Just Cause For Eviction, and Homeowner Protection Ordinance) on a property or unit owned or occupied by the requesting party. All requests for an administrative decision regarding exemption must be made on an approved Rent Program form. The Landlord must complete the approved form and attach sufficient information and documentation demonstrating a claimed exemption. The Landlord shall have the burden of proof of demonstrating a claimed exemption.

*[Adopted June 20, 2018]*

**Resolution No. 19-01**

ESTABLISHING ADDITIONAL TERMS OF EXEMPTION FOR LOW-INCOME HOUSING TAX CREDIT PROVIDERS FROM THE RENT CONTROL PROVISIONS OF RICHMOND FAIR RENT, JUST CAUSE FOR EVICTION, AND HOMEOWNER PROTECTION ORDINANCE PURSUANT TO REGULATION 202.

**WHEREAS**, on November 8, 2016, the voters in the City of Richmond passed, by initiative, the “Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance”; and

**WHEREAS**, on November 15, 2017, the Richmond Rent Board adopted Regulation 202 and Regulation 204(formerly Regulation 17-01) exempting “governmentally subsidized Rental Units” from the rent control provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance; and

**WHEREAS**, there are approximately 4,283 Rental Units in Richmond that receive Low-Income Housing Tax Credits (LIHTC) and/or direct subsidies from the Department of Housing and Urban Development (HUD), including the Housing Choice Voucher and Project-Based Section 8 programs. These units represent approximately 20 percent of Richmond’s rental housing stock and represent a critical aspect of housing affordability in the city; and

**WHEREAS**, of the 4,283 governmentally subsidized Rental Units in Richmond, 2,702 Rental Units receive LIHTC funding; and

**WHEREAS**, maximum rents in LIHTC Rental Units are determined annually by the California Tax Credit Allocation Committee (TCAC) based on Area Median Income for Oakland-Fremont, CA HUD Metro FMR Area, which contains Alameda and Contra Costa Counties; and

**WHEREAS**, the methodology employed by HUD to calculate Contra Costa County’s Area Median Income may not accurately reflect Area Median Income for Richmond Tenants. For purposes of this Resolution, Tenant shall have the same meaning as provided in Richmond Municipal Code Section 11.100.030(r); and

**WHEREAS**, in March 2018, Tenants at multiple LIHTC developments received rent increases in excess of ten (10) percent, the maximum rent permitted by TCAC for the year; and

**WHEREAS**, throughout the course of their work, Rent Program staff have also heard grievances from Tenants in LIHTC Rental Units regarding habitability, security, and other issues; and

**WHEREAS**, due to LIHTC’s exemption pursuant to Regulation 202, Tenants living in these units cannot use the Rent Program’s petition system to request rent adjustments and resolve grievances in this manner; and

## ITEM H-1 ATTACHMENT 3

**WHEREAS**, Rent Program staff convened 13 of the city's affordable housing providers for a conference call on May 18, 2018, to discuss these concerns and potential solutions; and

**WHEREAS**, in early June 2018, six affordable housing providers, representing approximately 63 percent of the deed-restricted units in the City of Richmond, submitted letters to the Rent Program indicating their willingness to limit annual rent increases in LIHTC Rental Units; and

**WHEREAS**, on June 20, 2018, the Rent Board appointed two of its members to an ad hoc committee to develop an agreement with LIHTC providers in conjunction with Rent Program staff to limit rent increases in these units and address other concerns raised by Tenants; and

**WHEREAS**, in communication with Rent Program staff, affordable housing providers have indicated their preference to voluntarily cap annual rent increases at 6 percent (6%) and noted that TCAC maximum rents have historically increased by around 2 or 3 percent per year; and

**WHEREAS**, at an August 24, 2018 meeting with Tenants of affordable housing and Tenant representatives, many expressed concerns about large rent increases leading to displacement and homelessness, particularly for low-income seniors and others on fixed incomes; and

**WHEREAS**, at this same meeting, Tenants of affordable housing and Tenant representatives expressed a strong willingness to participate in a Rent Board-initiated mediation process to resolve habitability and other concerns with management; and

**WHEREAS**, while the Tenants and Tenant representatives in attendance expressed concerns that any rent increase would pose a financial hardship, they indicated they preferred a flat percentage cap of 2 percent (2%) on annual rent increases; and

**WHEREAS**, to date, affordable housing providers and Tenants of affordable housing and their representatives have not agreed on the appropriate percentage of annual rent increases; and

**WHEREAS**, on November 7, 2018, the Ad Hoc committee convened and determined it prudent to present the Rent Board with various policy options related to the continual exemption of LIHTC Rental Units pursuant to Regulation 202;

**NOW, THEREFORE, BE IT RESOLVED**, that the owner of a LIHTC Rental Unit may increase the rent up to the maximum allowed by TCAC at any time, so long as the increase does not exceed five (5) percent during any 12-month period;

**BE IT FURTHER RESOLVED**, while LIHTC properties' rents are not regulated by the Rent Board, Rent Program staff shall meet annually with LIHTC providers to gather information pertaining to compliance with Regulation 204, housing quality, and rents; the rent information shall be provided in an editable spreadsheet and include the current and proposed rent. This meeting shall occur no later than 60 calendar days from the day TCAC releases its permitted Maximum Rent Schedule; and

## ITEM H-1 ATTACHMENT 3

**BE IT FURTHER RESOLVED**, the Rent Program shall issue an annual report to the Rent Board on the state of governmentally subsidized Rental Units in the City of Richmond, based on program data. This report shall include recommendations to the Board regarding compliance and housing quality, and may be compiled as a section of the Rent Program's Annual Report presented to the City Council; and

**BE IT FURTHER RESOLVED**, at the same meeting the Rent Board receives the Annual Report, the Rent Board shall consider the LIHTC complied Rent data and make findings of the overall compliance of LIHTC properties and whether continual exemption of these properties is achieving the purpose of the Rent Ordinance; and

**BE IT FURTHER RESOLVED**, in the event a majority of Rent Board members find substantial noncompliance among LIHTC Rental Unit(s) and/or continued exemption of these LIHTC Rental Unit(s) does not achieve the purpose of the Rent Ordinance, the Rent Board shall consider at its next regularly scheduled meeting whether to maintain the LIHTC Rental Unit exemption as described in Regulation 204; and

**BE IT FURTHER RESOLVED**, in the event that a majority of Rent Board members vote to remove the exemption of a LIHTC Rental Unit(s), Rent Board staff shall within 10 business days charge the non-exempt LIHTC Rental Unit(s) a Rental Housing Fee equivalent to the amount charged for fully covered units, or partially covered units where applicable, for the same fiscal year in which the exemption was removed, less any fees already paid, and apply the full provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance, as permitted by State law.

**BE IT FURTHER RESOLVED**, that LIHTC providers who comply with the policies stated herein and Regulation 204, shall pay a Residential Rental Housing Fee as determined by an annual Rental Housing Fee Study approved by the Rent Board and adopted by the City Council, and maintain their exemption under Regulation 202; and

**BE IT FURTHER RESOLVED**, that the Tenants of governmentally subsidized Rental Units have the same rights as other Richmond Tenants to request counseling and mediation services from the Rent Program to resolve potential breaches of California Civil Code 1941.1 or other issues that implicate termination of a tenancy; and

**BE IT FURTHER RESOLVED**, that in no case shall a LIHTC provider be permitted to avail itself to the benefit of the provisions of this Resolution 19-01 and Regulation 202, unless that LIHTC provider has fully resolved any past and/or currently due Residential Rental Housing Fees and is otherwise in compliance with the Enrollment requirements pursuant to Regulation 405 and the requirements set forth in Regulation 204; and

**BE IT FURTHER RESOLVED**, that the Rent Program staff is authorized to develop rules and procedures to implement the counseling, enrollment, and mediation services associated with the purpose of this Resolution; and



CITY OF RICHMOND, CALIFORNIA

DRAFT EXISTING DEED-RESTRICTED AFFORDABLE HOUSING

Basic Information				Subsidy Type(s) and Expiration										Ownership and Management		
DEVELOPMENT NAME	ADDRESS	YEAR BUILT (a)	APN	PROJECT-BASED SECTION 8: Direct Contract with HUD	SECTION 8 CONTRACT EXPIRATION	TENANTS WITH A HOUSING CHOICE VOUCHER (TENANT-BASED SECTION 8)	SECTION 202 UNITS	SECTION 42 (LIHTC) UNITS	SECTION 236 UNITS	PUBLIC HOUSING UNITS/UNITS OWNED BY THE RICHMOND HOUSING AUTHORITY	BELOW MARKET RATE "BMR" UNITS	TOTAL SUBSIDIZED UNITS	COMPLIANCE END YEAR (LIHTC PROPERTIES ONLY)	REGULATORY AGREEMENT AND DATE(S) OF RECORDING	OWNER ON RECORD NAME & ADDRESS	OWNERSHIP ENTITY
Data Source	Regulatory Agreements; Restrictive Covenants; 2015-2023 Housing Element	ParcelQuest (County Assessor Data)	ParcelQuest (County Assessor Data)	HUD; California Housing Partnership Corporation	California Housing Partnership Corporation	Richmond Housing Authority	Richmond Housing Authority	HUD	Richmond Housing Authority	Richmond Housing Authority; ParcelQuest (County Assessor Data)	Regulatory Agreement	Regulatory Agreements; Restrictive Covenants; 2015-2023 Housing Element; California Housing Partnership Corporation	California Housing Partnership Corporation	Housing Division; Contra Costa County Recorder	ParcelQuest (County Assessor Data)	ParcelQuest (County Assessor Data); California Housing Partnership Corporation
1	Arbors Apartments	5127-5331 Creely Avenue	1965	509-190-004	23	8/31/2026		35				36	2063	Regulatory Agreement and Declaration of Restrictive Covenants (10/31/06); First Amendment to Regulatory Agreement (11/03/08); Second Amendment to Regulatory Agreement (4/22/14)	ARBORS PRESERVATION LP	John Stewart Company (County); Resources for Community Development (RCD)(California Housing Partnership Corporation)
2	Barrett Plaza Townhouses	740 Barrett Ave, Richmond, CA 94801	1975	534-392-001	58	12/31/2031			58			58	2070		BARRETT PLAZA HOUSING CORP	Community Housing Development Corporation, Managed by CHDC.
3	Barrett Terrace Apartments	700 Barrett Ave, Richmond, CA 94801	1975	538-440-001	114	12/31/2031			114			115			BARRETT TERRACE HOUSING CORP	Community Housing Development Corporation, Managed by CHDC.
4	Baycliff Apartments	2300 Lancaster Dr, Richmond, CA 94806	1977	414-300-005			118	342				342	2059	Regulatory Agreement and Declaration of Restrictive Covenants (7/29/04)	FF Hills LP	FF Hills LP
5	Carquinez	400 Harbour Way, Richmond, CA 94801	1980	540-420-003			33	35				36	2064	Regulatory Agreement and Declaration of Restrictive Covenants (11/14/08)	Carquinez Associates	Carquinez Associates
6	Chesley Mutual Housing	802 Chesley Ave, Richmond, CA 94801	2005 (c)	561-251-003				30				30	2059	Regulatory Agreement and Declaration of Restrictive Covenants (12/17/03)	CHESLEY AVE LTD PARTNERSHIP	Community Housing Development Corporation Managed by Eden Housing
7	Crescent Park	5000 Hartnett Ave, Richmond, CA 94804	1968	509-242-003	341	12/31/2026	13	378				378	2062	Regulatory Agreement and Declaration of Restrictive Covenants (07/06/07)	CRESCENT PARK EAH LP	EAH Housing
8	Cypress Pines (formerly Deliverance Temple)	4312 Potrero Ave, Richmond, CA 94804	1974	509-370-028	82	2/28/2037		82				82	2070	Regulatory Agreement - Federal and State Credits (12/09/03) & HAP Contract (10/09)	DT Venture LP	MRK Partners, Inc.
9	Friendship Manor (RAD Conversion)	564 Stege Avenue, Richmond, CA 94804	1972 (b)	513-171-007			43				57	57	2069	Regulatory Agreement and Declaration of Restrictive Covenants (12/22/15)	Richmond Housing Authority	City of Richmond Housing Authority Managed by John Stewart
10	Harborview Senior Apartments	25 Harbour Way, Richmond, CA 94801	2016 (c)	538-430-020			46	61				62	2068	Regulatory Agreement and Declaration of Restrictive Covenants (08/15/14)	RICHMOND PACIFIC ASSOCIATES	Richmond Pacific Associates
11	Heritage Park at Hilltop	3811 Lakeside Drive, Richmond, CA 94806	2000 (c)	405-373-022			94	95	192			192	2054	No Reg Agreement, but we have Density Bonus Agreement (2/28/01)	HILLTOP GROUP LP	Hilltop Group LP
12	Liberty Village Apartments	298 W Chanslor Ave, Richmond, CA 94801	1942	538-012-003				100				100	2068	Regulatory Agreement 11/01/00	LIH LIBERTY VILLAGE LP	LIH Liberty Village LLC

Basic Information				Subsidy Type(s) and Expiration											Ownership and Management	
DEVELOPMENT NAME	ADDRESS	YEAR BUILT (a)	APN	PROJECT-BASED SECTION 8: Direct Contract with HUD	SECTION 8 CONTRACT EXPIRATION	TENANTS WITH A HOUSING CHOICE VOUCHER (TENANT-BASED SECTION 8)	SECTION 202 UNITS	SECTION 42 (LIHTC) UNITS	SECTION 236 UNITS	PUBLIC HOUSING UNITS/UNITS OWNED BY THE RICHMOND HOUSING AUTHORITY	BELOW MARKET RATE "BMR" UNITS	TOTAL SUBSIDIZED UNITS	COMPLIANCE END YEAR (LIHTC PROPERTIES ONLY)	REGULATORY AGREEMENT AND DATE(S) OF RECORDING	OWNER ON RECORD NAME & ADDRESS	OWNERSHIP ENTITY
Data Source	Regulatory Agreements; Restrictive Covenants; 2015-2023 Housing Element	ParcelQuest (County Assessor Data)	ParcelQuest (County Assessor Data)	HUD; California Housing Partnership Corporation	California Housing Partnership Corporation	Richmond Housing Authority	Richmond Housing Authority	HUD	Richmond Housing Authority	Richmond Housing Authority; ParcelQuest (County Assessor Data)	Regulatory Agreement	Regulatory Agreements; Restrictive Covenants; 2015-2023 Housing Element; California Housing Partnership Corporation	California Housing Partnership Corporation	Housing Division; Contra Costa County Recorder	ParcelQuest (County Assessor Data)	ParcelQuest (County Assessor Data); California Housing Partnership Corporation
13	Lillie Mae Jones Plaza	120 Macdonald Ave, Richmond, CA 94801	2011 (c)	538-181-037			18					26	2065	Regulatory Agreement and Declaration of Restrictive Covenants (no date of recording); Modification of Regulatory Agreement and Declaration of Restrictive Covenants (05/07/10)	LILLIE MAE JONES PLAZA LP	East Bay Asian Local Development Corp (County); CHDC of North Richmond (California Housing Partnership Corporation)
14	Miraflores	150 S. 45th St, Richmond, CA 94804	2017	513-321-001			79	79				80				Eden Housing & CHDC
15	Monterey Pines Apartments	680 S 37th St, Richmond, CA 94804	1971	513-185-011			50	324				324	2070	Regulatory Agreement and Declaration of Restrictive Covenants (12/20/01)	Monterey Venture LP	Apartment Management Consultants LLC
16	Nevin Plaza (d)	2400 Nevin Avenue, Richmond, CA 94804	1973	515-261-001						105		105			Richmond Housing Authority	Richmond Housing Authority
17	Nystrom Village (d)	222 Marina Way South, Richmond, CA 94804	1920	544-112-001								82			Richmond Housing Authority	City of Richmond Housing Authority Managed by John Stewart
18	Pullman Point (formerly Richmond Townhouses)	2989 Pullman Ave, Richmond, CA 94804	1973	513-010-019	192	2/29/2024		199	192			199	2058		CARLSON BOULEVARD LP	Primary Owner - Community Housing Development Corporation and Limited Partner John Stewart Company
19	Richmond City Center Apartments	1000 Macdonald Ave	1994	540-460-009			14	64				64	2067	First Amendment to First Amended and Restated Regulatory Agreement (2/05/13)	RICHMOND HOUSING ASSOCIATES LP	Richmond Housing Associates
20	Richmond Village (formerly Easter Hill)	700 S 26th St, Richmond, CA 94804	2004 (c)	549-240-001			60	241				241	2060 & 2061	Regulatory Agreement and Declaration of Restrictive Covenants - Easter Hill Phase I (2/24/04); Regulatory Agreement and Declaration of Restrictive Covenants - Easter Hill Phase II (11/12/04)	Richmond Housing Authority	Richmond Housing Authority (County); McCormack Baron, Salazar, Inc. (California Housing Partnership Corporation)
21	Rubicon Homes	2500 Bissell Ave, Richmond, CA 94804	1950	515-312-004	26	8/31/2027						10			Rubicon Programs Incorporated	Rubicon Programs Incorporated
22	St Johns Apartments	121 W Macdonald Ave, Richmond, CA 94801	1990	538-011-002	155	6/30/2033		158				158	2068	Regulatory Agreement (7/22/15)	ST JOHNS PARTNERS LP	US Residential Corporation

Basic Information				Subsidy Type(s) and Expiration											Ownership and Management		
DEVELOPMENT NAME	ADDRESS	YEAR BUILT (a)	APN	PROJECT-BASED SECTION 8: Direct Contract with HUD	SECTION 8 CONTRACT EXPIRATION	TENANTS WITH A HOUSING CHOICE VOUCHER (TENANT-BASED SECTION 8)	SECTION 202 UNITS	SECTION 42 (LIHTC) UNITS	SECTION 236 UNITS	PUBLIC HOUSING UNITS/UNITS OWNED BY THE RICHMOND HOUSING AUTHORITY	BELOW MARKET RATE "BMR" UNITS	TOTAL SUBSIDIZED UNITS	COMPLIANCE END YEAR (LIHTC PROPERTIES ONLY)	REGULATORY AGREEMENT AND DATE(S) OF RECORDING	OWNER ON RECORD NAME & ADDRESS	OWNERSHIP ENTITY	
<b>Data Source</b>	Regulatory Agreements; Restrictive Covenants; 2015-2023 Housing Element	ParcelQuest (County Assessor Data)	ParcelQuest (County Assessor Data)	HUD; California Housing Partnership Corporation	California Housing Partnership Corporation	Richmond Housing Authority	Richmond Housing Authority	HUD	Richmond Housing Authority	Richmond Housing Authority; ParcelQuest (County Assessor Data)	Regulatory Agreement	Regulatory Agreements; Restrictive Covenants; 2015-2023 Housing Element; California Housing Partnership Corporation	California Housing Partnership Corporation	Housing Division; Contra Costa County Recorder	ParcelQuest (County Assessor Data)	ParcelQuest (County Assessor Data); California Housing Partnership Corporation	
23	Triangle Court (RAD Conversion)	980 Triangle Court, Richmond, CA 94801	1988	561-280-007		75					98	98	2069	Regulatory Agreement and Declaration of Restrictive Covenants (12/22/15)	Richmond Housing Authority	Richmond Housing Authority	
24	Trinity Plaza Senior Apartments (formerly MacDonald Senior Apartments)	350 & 410 Macdonald Ave, Richmond, CA 94806	2009 (c)	538-210-027		65		66				66	2063	Regulatory Agreement and Declaration of Restrictive Covenants (10/12/07)	Richmond Labor & Love Comm Dev	Richmond Labor & Love Community Development (County); Reloated Development Company of California, LLC (California Housing Partnership Corporation)	
25	VUE @ 3600 (formerly Summit at Hilltop)	3600 Sierra Ridge Road	1990	405-490-013		10						96		Amended and Restated Regulatory Agreement and Declaration of Restrictive Covenants (7/15/10)	US Reif Sierra Ridge Road	US Reif Sierra Ridge Road	
26	Westridge Apartments	2490 Lancaster Dr, Richmond, CA 94806	1973	414-310-008 & 414-310-007		55		396				79	480	2069	Regulatory Agreement and Declaration of Restrictive Covenants (3/19/16)	Menlo Westridge Affordable Partner	Alliance Residential Company (County); Klein Financial Corp/Menlo Capital
<b>SUM</b>					<b>991</b>	<b>773</b>	<b>95</b>	<b>2,782</b>	<b>390</b>	<b>342</b>		<b>3,517</b>					

SECTION 8 HOUSING CHOICE VOUCHERS ADMINISTERED BY RICHMOND HOUSING AUTHORITY (as of May 2017)	
Category	Number
Number of Units with Active Voucher	1,552
Total Possible Vouchers	1,851

- Notes:**
- (a) Refers to the "Effective Date" as recorded by the Contra Costa County Assessor. The Planning and Building Services Departments utilizes the "Effective Date" rather than the "Year Built" since "Effective Date" indicates when the building was fit for occupancy.
  - (b) Associated with the parent address of 603 South 37th Street.
  - (c) The Costa-Hawkins Rental Housing Act (California Civ. Code 1954.50) exempts units which received a certificate of occupancy after February 1, 1995, from rent control (restrictions on a maximum allowable rent).
  - (d) Excludes 37 NAR units at Nevin and 18 NAR units at Nystrom

DEFINITIONS	
LIHTC	Low Income Housing Tax Credit
Section 8 - Project Based	Units Subsidized by Section 8 Program
Section 8 - Tenant Based	Tenants with a Section 8 Voucher
Section 202 (Senior)	Section 202 Supportive Housing for the Elderly Program
Section 236	Presevation of Affordable Housing Program

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# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: November 16, 2022

Final Decision Date Deadline: November 16, 2022

**STATEMENT OF THE ISSUE:** The Richmond Voters passed Measure P (Attachment 1) on the November 8, 2022, ballot by 56%. Measure P amends the existing Ordinance and the provisions of the Richmond Municipal Code ("RMC") section 11.100.070(b). The annual rent increase limitation for regulated units, will decrease from 100% of inflation to 60% of inflation, as measured by the Consumer Price Index, or a flat 3%, whichever is less. The passage of Measure P necessitates the amendment of Chapter 6: Rent Board Regulations (Annual General Adjustments of Maximum Allowable Rents).

## 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

- Presentation/Proclamation/Commendation (3-Minute Time Limit)
- Public Hearing                       Regulation                       Other:
- Contract/Agreement                       Rent Board As Whole
- Grant Application/Acceptance                       Claims Filed Against City of Richmond
- Resolution                       Video/PowerPoint Presentation (contact KCRT @ 620.6759)

**RECOMMENDED ACTION:** RECEIVE an update from the Executive Director, Nicolas Traylor on Measure P being passed by voters on the November 8, 2022 ballot and DIRECT staff to draft amendments to Chapter 6 of Rent Board Regulations to be in alignment with Measure P– Rent Program (Nicolas Traylor, 620-6564).

AGENDA ITEM NO:

**H-2.**

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# AGENDA REPORT

**DATE:** November 16, 2022

**TO:** Chair Finlay and Members of the Rent Board

**FROM:** Nicolas Traylor, Executive Director

**SUBJECT:** THE PASSAGE OF MEASURE P ON THE NOVEMBER 8, 2022, BALLOT

## **STATEMENT OF THE ISSUE:**

The Richmond Voters passed Measure P (Attachment 1) on the November 8, 2022, ballot by 56%. Measure P amends the existing Ordinance and the provisions of the Richmond Municipal Code ("RMC") section 11.100.070(b). The annual rent increase limitation for regulated units, will decrease from 100% of inflation to 60% of inflation, as measured by the Consumer Price Index, or a flat 3%, whichever is less. The passage of Measure P necessitates the amendment of Chapter 6: Rent Board Regulations (Annual General Adjustments of Maximum Allowable Rents).

## **RECOMMENDED ACTION:**

RECEIVE an update from the Executive Director, Nicolas Traylor on Measure P being passed by voters on the November 8, 2022 ballot and DIRECT staff to draft amendments to Chapter 6 of Rent Board Regulations to be in alignment with Measure P– Rent Program (Nicolas Traylor, 620-6564).

## **FISCAL IMPACT:**

There is no fiscal impact of receiving this report.

## **DISCUSSION:**

In Richmond, certain residential rental units' rental rates are controlled by Richmond's Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance. As originally written and adopted by Richmond voters in November of 2016, Landlords are entitled to an annual rent increase equivalent to "one hundred (100%) percent of the percentage increase in the Consumer Price Index (All Urban Consumers, San Francisco-Oakland-San Jose region, or any successor designation of that index that may later be adopted by the U.S. Bureau of Labor Statistics) as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the 12-month period ending as of

## ITEM H-2

March of the current year.” The Annual General Adjustment for 2022 is five-point two (5.2%) percent.

Measure P will cap rent increases for controlled units at three percent (3%) or sixty percent (60%) of the local consumer price index, whichever is lower.

Measure P has a phase in period, which would extend from the effective date of the Measure P through August 31, 2023.

The Measure will become effective ten (10) days after the vote is declared by the City Council. Chapter 6: Rent Board Regulations must be amended after the effective date of Measure P to be in alignment with the amended law.

### **DOCUMENTS ATTACHED:**

Attachment 1- Measure P initiative measure to be submitted directly to the voters

Attachment 2- Chapter 6: Rent Board Regulations as currently adopted

**MEASURE P**  
**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS**

ORDINANCE NO. \_\_\_\_\_ N.S.

AN ORDINANCE OF THE PEOPLE OF THE CITY OF RICHMOND APPROVED AT THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2022, AMENDING THE FAIR RENT, JUST CAUSE FOR EVICTION AND HOMEOWNER PROTECTION ORDINANCE TO LIMIT RENT INCREASES FOR REGULATED UNITS TO 3% OR 60% OF THE CONSUMER PRICE INDEX, WHICHEVER IS LESS

The People of the City of Richmond do ordain as follows:

SECTION 1. Title and Purpose.

TITLE. This Ordinance may be cited as the RICHMOND ANNUAL ALLOWABLE RENTAL ADJUSTMENT ORDINANCE.

PURPOSE. In Richmond, certain residential rental units' rental rates are controlled by Richmond's Fair Rent, Just Cause For Eviction And Homeowner Protection Ordinance. As written, Landlords are entitled to an annual rent increase equivalent to "one hundred (100%) percent of the percentage increase in the Consumer Price Index (All Urban Consumers, San Francisco-Oakland-San Jose region, or any successor designation of that index that may later be adopted by the U.S. Bureau of Labor Statistics) as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the 12-month period ending as of March of the current year." The Annual General Adjustment for 2022 is five point two (5.2%) percent.

Due to historic levels of inflation, rent-controlled tenants in Richmond are set to receive an unprecedented rent increase. The historically high level of inflation has highlighted the need to ensure Richmond tenants are not forced to grapple with both rising prices of goods and services and rent increases that are inconsistent with the City's goal of protecting residents from excessive rent increases. As Such, this Ordinance would cap rent increases for controlled units at three percent (3%) or sixty percent (60%) of the local consumer price index, whichever is lower.

SECTION 2. Findings.

This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA"), since in accordance with CEQA Guidelines Section 15061, subd. (b)(3), it can be seen with certainty that there is no possibility that the activity authorized herein may have significant effect on the environment. Additionally, CEQA review does not apply when a measure is placed on the ballot and approved by the voters.

SECTION 3. Conflicting Measures.

This measure is intended to be comprehensive. It is the intent of the people of City of Richmond that in the event this measure and one or more measures relating to the Fair Rent, Just Cause For

Eviction And Homeowner Protection Ordinance appear on the same ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than any other measure appearing on the same ballot regarding the Fair Rent, Just Cause for Eviction and Homeowner Protection Act, this measure shall take effect to the extent not in conflict with said other measure or measures.

SECTION 4. Liberal Construction.

This measure shall be liberally construed to effectuate its purpose.

SECTION 5. Effective Date.

This ordinance shall be effective only if approved by a majority of the voters at the November 8, 2022, Statewide General Election and shall go into effect ten (10) days after the vote is declared by the City Council. The limitation on rent escalation stated in this Amendment shall be effective immediately upon the effective date. Over the phase-in period which extends through August 31, 2023, no tenant's rent on a controlled unit shall be higher than what it was on August 31, 2022, plus a 3% increase. After the partial year of phase-in, the regular provisions of this Amendment shall apply.

SECTION 6. Savings Clause.

If any provision, sentence, clause, section, or part of this ordinance is found to be unconstitutional, illegal, or invalid by a court of competent jurisdiction, such unconstitutionality, illegality, or invalidity shall affect only such provision, sentence, clause, section, or part of this ordinance and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is declared that this ordinance would have been adopted had such unconstitutional, illegal, or invalid provision, sentence, clause, section, or part not been included.

SECTION 7. Fair Rent, Just Cause For Eviction And Homeowner Protection Ordinance Amendments.

Chapter 11.100.070 subdivision (b) of the Richmond Municipal Code is hereby amended as follows. Added text is shown as double underlined type; deleted text is shown as strikethrough type.

(b)Annual General Adjustment. No later than June 30 each year, the Board shall announce the percentage by which rent for eligible Rental Units will be generally adjusted effective September 1 of that year.

(1)The Annual General Adjustment shall be equal to ~~one hundred~~ sixty (4060%) percent of the percentage increase in the Consumer Price Index (All Urban Consumers, San

**ITEM H-2  
ATTACHMENT 1**

Francisco-Oakland-San Jose region, or any successor designation of that index that may later be adopted by the U.S. Bureau of Labor Statistics) as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the 12-month period ending as of March of the current year, or three (3%) percent, whichever is lower.

(2) Subparagraph 1 of this Subsection notwithstanding, in no event shall the Annual General Adjustment be less than zero percent (0%).

~~(3) For the period between the effective date of this Charter and the first Annual General Adjustment announced September 1, the landlord may increase the Maximum Allowable Rent to include one Annual General Adjustment for September 2016. Notwithstanding any previously issued rent increase, the Annual General Adjustment for 2022 is three (3%) percent. In the event a landlord issued a rent increase on or after September 1, 2022 in excess of 3%, that tenant's rent shall be adjusted to their Maximum allowable rent on August 31, 2022, plus three (3%) percent.~~

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**Chapter 6: ANNUAL GENERAL ADJUSTMENTS OF MAXIMUM ALLOWABLE RENTS**

**600. Purpose**

The Richmond Fair Rent, Just Cause For Eviction and Homeowner Protection Ordinance (Chapter 11.100, Richmond Municipal Code) provides that no later than June 30 of each year the Board shall announce the percentage by which Rent for eligible Rental Units will be generally adjusted effective September 1 of that year. It further provides that the Annual General Adjustment shall equal one-hundred (100%) percent of the percentage increase in the Consumer Price Index (All Urban Consumers, San Francisco-Oakland-San Jose region, or any other successor designation of that index that may later be adopted by the U.S. Bureau of Labor Statistics)(CPI) as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the 12-month period ending as of March of the current year.

*[Formerly Regulation 17-05; adopted June 21, 2017]*

**601. Conditions for taking the Annual General Adjustment**

A. A Landlord may increase Rent by the Annual General Adjustment, only if the Landlord:

- (1) Serves the Tenant with a legally required Notice of a Rent increase under State law;
- (2) Files a copy of the Notice of the Rent increase and Proof of Service of such notice with the Board in a manner consistent with Regulation 603; and
- (3) Is in full compliance with the provisions of the Richmond Fair Rent, Just Cause For Eviction and Homeowner Protection Ordinance, including Rent Board Final Decisions and Orders; and
- (4) Is otherwise entitled to the adjustment pursuant to the provisions of the Richmond Fair Rent, Just Cause For Eviction and Homeowner Protection Ordinance, and any other applicable Regulation.

*[Formerly Regulation 17-05; adopted June 21, 2017; amended December 16, 2020]*

**602. Banking**

- A. A Landlord may, but is not required to, increase Rent by the Annual General Adjustment as provided by Chapter 6 of these Regulations.
- B. To the extent a Landlord has not increased Rent up to the Maximum Lawful Rent level, the Landlord shall have the ability to apply deferred Annual General Adjustment rent increases; however, if the proposed rent increase for the Tenant household exceeds the current year Annual General Adjustment plus five percent (5.0%) of the rental amount charged to the Tenant household at any time during the 12 months prior to the effective date of the proposed increase, either in and of itself or when combined with any other rent increases for the 12 months prior to the effective date of the increase, the proposed rent increase shall be void.

- C. In the event that a current year's Annual General Adjustment exceeds five percent (5.0%), a Landlord may not apply any deferred Annual General Adjustment increases until the next Annual General Adjustment increase less than five percent (5.0%) is effective.
- D. "Banking" of Annual General Adjustment Increases shall be calculated based on compound addition. For example, an increase of three percent (3.0%) plus three point four percent (3.4%) is equal to a combined increase of six point five six percent (6.56%), not six point four percent (6.4%).
- E. Nothing in this Regulation shall preclude a Landlord from petitioning for a Rent Increase in excess of the Annual General Adjustment.
- F. This Regulation shall become effective September 1, 2018.

*[Formerly Regulation 17-09; adopted December 20, 2017; Amended November 14, 2018]*

### **603. Notices of Rent Increase**

#### **A. Controlled Rental Units.**

Landlords of Controlled Rental Units, as defined in the Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance (Chapter 11.100, Richmond Municipal Code, Section 11.100.030 (d), except those Rental Units that are "exempt" pursuant to Rent Board regulation, or are described in 603(B) of this Regulation, shall file with the Board within ten (10) business days *after* the Landlord has served a Tenant with a notice of a rent increase, a copy of such notice with a proof of service, including time and date of service, using, absent extraordinary circumstances, the appropriate online form on the Rent Program website. If a Landlord does not file with the Board the notice and proof of service as provided in this Section, the rent increase shall be deemed null and void.

#### **B. Rental Units Exempt from the Rent Control Provisions of the Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance.**

Landlords of Rental Units (a) which a government unit, agency, or authority owns, operates or manages, (b) in which governmentally subsidized Tenants reside if applicable federal or state law or administrative regulation specifically exempts such Units from rent control, (c) exempt from rent control pursuant to the Costa-Hawkins Rental Housing Act (California Civil Code, section 1954.52) or (d) that are permitted, small second housing units built in compliance with the Small, Second Unit Ordinance of the City of Richmond (Section 15.04.810, RMC) [Section 11.100.030 (d) (3)(4) and (5)] are **not** required to file with the Board a copy of a notice of rent increase.

*[Formerly Regulation 17-10; adopted September 20, 2017]  
[Amended September 19, 2018]*

**604. (RESERVED)**

**605. Annual General Adjustment Order for 2017**

The percentage increase in the CPI from 2016-2017 is 3.4%, and thus the following Annual General Adjustment applies:

- A. The 2017 Annual General Adjustment is not to exceed 3.4%.
- B. The cumulative increase in the Maximum Allowable Rent as defined in Section 11.100.030(g), RMC, for tenancies in effect prior to September 1, 2015, is 6.56%.
- C. A Landlord may increase Rent by the 2017 Annual General Adjustment for tenancies in effect prior to September 1, 2016, only if the Landlord is in compliance with Regulation 601.

*[Formally Regulation 17-05; Adopted June 21, 2017]  
[Amended June 19, 2019]*

**606. Annual General Adjustment Order for 2018**

The percentage increase in the CPI from 2017-2018, is 3.6% and thus the following Annual General Adjustment shall apply:

- A. The 2018 Annual General Adjustment is not to exceed 3.6%.
- B. The Annual General Adjustment granted by this Regulation shall become effective on September 1, 2018, provided that the landlord is otherwise entitled to the adjustment pursuant to the provisions of the Richmond Fair Rent, Just Cause For Eviction and Homeowner Protection Ordinance, and any other applicable Regulation.
- C. Where the landlord is entitled to the adjustment pursuant to the provisions of the Richmond Fair Rent, Just Cause For Eviction and Homeowner Protection Ordinance, and any other applicable Regulation, the Annual General Adjustment granted by this Regulation does not automatically provide for a rent increase. A Landlord may increase Rent by the 2018 Annual General Adjustment for tenancies in effect prior to September 1, 2017, only if the Landlord is in compliance with Regulation 601.

*[Formerly Regulation 17-11; adopted June 20, 2018]*

**607. Annual General Adjustment Order for 2019**

The percentage increase in the CPI from 2018-2019, is 3.5% and thus the following Annual General Adjustment shall apply:

- A. The 2019 Annual General Adjustment is not to exceed 3.5%.

- B. The Annual General Adjustment granted by this Regulation shall become effective on September 1, 2019, provided that the Landlord is otherwise entitled to the adjustment pursuant to the provisions of the Richmond Fair Rent, Just Cause For Eviction and Homeowner Protection Ordinance, and any other applicable Regulation.
- C. Where the Landlord is entitled to the adjustment pursuant to the provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance, and any other applicable Regulation, the Annual General Adjustment granted by this Regulation does not automatically provide for a rent increase. A Landlord may increase Rent by the 2019 Annual General Adjustment for tenancies in effect prior to September 1, 2018, only if the Landlord is in compliance with Regulation 601.

*[Adopted June 19, 2019]*

**608. Annual General Adjustment Order for 2020**

The percentage increase in the CPI from 2019-2020, is 2.9%. Subject to any existing Citywide or Statewide rent increase moratorium, the following Annual General Adjustment shall apply:

- A. The 2020 Annual General Adjustment is not to exceed 2.9%.
- B. The Annual General Adjustment granted by this Regulation shall become effective on September 1, 2020, provided that the Landlord is in full compliance with all applicable provisions of the provisions of the Richmond Fair Rent, Just Cause For Eviction and Homeowner Protection Ordinance, outstanding Rent Board and/or Hearing Examiner Orders, and any other applicable Regulation.
- C. Where the Landlord is entitled to the adjustment pursuant to the provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance, and any other applicable Regulation, the Annual General Adjustment granted by this Regulation does not automatically provide for a rent increase. A Landlord may increase Rent by the 2020 Annual General Adjustment for tenancies in effect prior to September 1, 2019, only if the Landlord is in compliance with Regulation 601, and has complied with any existing Rent Board and/or Hearing Examiner Order.

*[Adopted June 17, 2020]*

**609. Annual General Adjustment Order for 2021**

The percentage increase in the CPI from 2020-20201 is 1.6%. Subject to any existing Citywide, Countywide, or Statewide rent increase moratorium, the following Annual General Adjustment shall apply:

- A. The 2021 Annual General Adjustment is not to exceed 1.6%.

- B. The Annual General Adjustment granted by this Regulation shall become effective on September 1, 2021, provided that the Landlord is in full compliance with all applicable provisions of the provisions of the Richmond Fair Rent, Just Cause For Eviction and Homeowner Protection Ordinance, outstanding Rent Board and/or Hearing Examiner Orders, and any other applicable Regulation.
- C. Where the Landlord is entitled to the adjustment pursuant to the provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance, and any other applicable Regulation, the Annual General Adjustment granted by this Regulation does not automatically provide for a rent increase. A Landlord may increase Rent by the 2021 Annual General Adjustment for tenancies in effect prior to September 1, 2020, only if the Landlord is in compliance with Regulation 601, and has complied with any existing Rent Board and/or Hearing Examiner Order.

*[Adopted May 19, 2021]*

**610. Annual General Adjustment Order for 2022**

The percentage increase in the CPI from 2021-20202 is 5.2%, and thus, the following Annual General Adjustment shall apply:

- D. The 2022 Annual General Adjustment is not to exceed 5.2%.
- E. The Annual General Adjustment granted by this Regulation shall become effective on September 1, 2022, provided that the Landlord is in full compliance with all applicable provisions of the provisions of the Richmond Fair Rent, Just Cause For Eviction and Homeowner Protection Ordinance, outstanding Rent Board and/or Hearing Examiner Orders, and any other applicable Regulation.
- F. Where the Landlord is entitled to the adjustment pursuant to the provisions of the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance, and any other applicable Regulation, the Annual General Adjustment granted by this Regulation does not automatically provide for a rent increase. A Landlord may increase Rent by the 2022 Annual General Adjustment for tenancies in effect prior to September 1, 2021, only if the Landlord is in compliance with Regulation 601, and has complied with any existing Rent Board and/or Hearing Examiner Order.

*[Adopted April 20, 2022]*

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