



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

**AGENDA**  
**Wednesday, January 18, 2023**

**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/83626019097?pwd=NEtrUTRZMHIKWEo5WUs4a3Nzb281UT09>

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

**By Telephone:**

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

US: +1 669 900 9128 or +1 669 444 9171 or +1 719 359 4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 507 473 4847 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 +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053

**Step 2:** Webinar ID: 836 2601 9097

**Step 3:** Enter the following passcode: 740710997

International numbers available: <https://us02web.zoom.us/j/83626019097>

**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, January 18, 2023**. The request must include the following:

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

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

**Accessibility for Individuals with Disabilities**

Upon request, the City will provide for written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services and sign language interpreters, to enable individuals with disabilities to participate in and provide comments at/related to public meetings. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, auxiliary aid, service or alternative format requested at least two days before the meeting.

Requests should be emailed to [cynthia\\_shaw@ci.richmond.ca.us](mailto:cynthia_shaw@ci.richmond.ca.us) or submitted by phone at (510) 620-5552. Requests made by mail to the Rent Program Office, Rent Board meeting, 440 Civic Center Plaza, Suite 200, Richmond, CA 94804 must be received at least two days before the meeting. Requests will be granted whenever possible and resolved in favor of accessibility.

**Effect of Advisory on In-Person Public Participation**

During the pendency of Assembly Bill 361, the language in this Advisory portion of the agenda supersedes any language below in the meeting procedures contemplating in-person public comment.

## NOTICE TO PUBLIC

The City of Richmond encourages community participation at public meetings and has established procedures that are intended to accommodate public input in a timely and time-sensitive way. As a courtesy to all members of the public who wish to participate in Rent Board meetings, please observe the following procedures:

Public Comment on Agenda Items: Persons wishing to speak on a particular item on the agenda shall file a speaker form with City staff PRIOR to the Rent Board's consideration of the item on the agenda. Once the clerk announces the item, only those persons who have previously submitted speaker forms shall be permitted to speak on the item. Each speaker will be allowed up to two minutes to address the Rent Board.

Public Forum: Individuals who would like to address the Rent Board on matters not listed on the agenda or on items remaining on the consent calendar may do so under Public Forum. All speakers must complete and file a speaker's card with City staff prior to the commencement of Public Forum. The amount of time allotted to individual speakers shall be determined based on the number of persons requesting to speak during this item. The time allocation for each speaker will be as follows: 15 or fewer speakers, a maximum of 2 minutes; 16 to 24 speakers, a maximum of 1 and one-half minutes; and 25 or more speakers, a maximum of 1 minute.

Conduct at Meetings: Richmond Rent Board meetings are limited public forums during which the City strives to provide an open, safe atmosphere and promote robust public debate. Members of the public, however, must comply with state law, as well as the City's laws and procedures and may not actually disrupt the orderly conduct of these meetings. The public, for example, may not shout or use amplifying devices, must submit comment cards and speak during their allotted time in order to provide public comment, may not create a physical disturbance, may not speak on matters unrelated to issues within the jurisdiction of the Rent Board or the agenda item at hand, and may not cause immediate threats to public safety.

City Harassment Policy: The City invites public comment and critique about its operations, including comment about the performance of its public officials and employees, at the public meetings of the City Council and boards and commissions. However, discriminatory or harassing comments about or in the presence of City employees, even comments by third parties, may create a hostile work environment, if severe or pervasive. The City prohibits harassment against an applicant, employee, or contractor on the basis of race, religious creed, color, national origin, ancestry, physical disability, medical condition, mental disability, marital status, sex (including pregnancy, childbirth, and related medical conditions), sexual orientation, gender identity, age or veteran status, or any other characteristic protected by federal, state or local law. In order to acknowledge the public's right to comment on City operations at public meetings, which could include comments that violate the City's harassment policy if such comments do not cause an actual disruption under the Council Rules and Procedures, while taking reasonable steps to protect City employees from discrimination and harassment, City Boards and Commissions shall adhere to the following procedures. If any person makes a harassing remark at a public meeting that violates the above City policy prohibiting harassment, the presiding officer of the meeting may, at the conclusion of the speaker's remarks and allotted time: (a) remind the public that the City's Policy Regarding Harassment of its Employees is contained in the written posted agenda; and (b) state that comments in violation of City policy are not condoned by the City and will play no role in City decisions. If any person makes a harassing remark at a public meeting that violates the above City policy, any City employee in the room who is offended by remarks violating the City's policy is excused from attendance at

the meeting. No City employee is compelled to remain in attendance where it appears likely that speakers will make further harassing comments. If an employee leaves a City meeting for this reason, the presiding officer may send a designee to notify any offended employee who has left the meeting when those comments are likely concluded so that the employee may return to the meeting. The presiding officer may remind an employee or any council or board or commission member that he or she may leave the meeting if a remark violating the City's harassment policy is made.

## REGULAR MEETING OF THE RICHMOND RENT BOARD

### AGENDA

5:00 PM

**A. PLEDGE TO THE FLAG**

**B. ROLL CALL**

**C. STATEMENT OF CONFLICT OF INTEREST**

**D. AGENDA REVIEW**

**E. PUBLIC FORUM**

**F. RENT BOARD CONSENT CALENDAR**

- |             |  |                     |
|-------------|--|---------------------|
| <b>F-1.</b> | APPROVE the minutes of the December 21, 2022, Regular Meeting of the Richmond Rent Board.                          | <i>Cynthia Shaw</i> |
| <b>F-2.</b> | RECEIVE the Fiscal Year 2022-23 Monthly Activity Report through December 2022.                                     | <i>Cynthia Shaw</i> |
| <b>F-3.</b> | RECEIVE the Rent Program FY 2022-23 Monthly Revenue and Expenditure Report through December 2022.                  | <i>Fred Tran</i>    |
| <b>F-4.</b> | RECEIVE the Budgeted versus Actual Revenue and Expenditures Report for the second quarter ending December 31, 2022 | <i>Fred Tran</i>    |
| <b>F-5.</b> | APPROVE late fee waiver(s) for January 2023 pursuant for Regulation 425.   | <i>Fred Tran</i>    |

**G. CONSIDERATION OF APPEALS**

- |             |   |                         |
|-------------|---|-------------------------|
| <b>G-1.</b> | 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 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 | <i>Charles Oshinuga</i> |
|-------------|---|-------------------------|

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. ***This item was continued from the November 16, 2022, meeting.***

## H. RENT BOARD AS A WHOLE

**H-1.** 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. ***This item was continued from the December 21, 2022, meeting.***

*Nicolas Traylor*

**H-2.** 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*

## 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: January 18, 2023

Final Decision Date Deadline: January 18, 2023

**STATEMENT OF THE ISSUE:** The minutes of the December 21, 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 December 21, 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, December 21, 2022.**

The Regular Meeting of the Richmond Rent Board was called to order at 5:00 P.M.

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

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

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

<https://us02web.zoom.us/j/82099802247?pwd=c0tRMXJrdENXbnBSM29YMndqUINOQT09>  
Password: rentboard

**Or By Telephone:**

US: +1 669 900 9128 or +1 669 444 9171 or +1 253 215 8782 or +1 346 248 7799 or +1 719 359 4580 or +1 253 205 0468 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 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 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860

**Step 2:** Webinar ID: 820 9980 2247

International numbers available:

<https://us02web.zoom.us/j/kbrOQo8slW>

Community members who wished to make a public comment were required to submit their comments via email by 3:00 p.m. on Wednesday, December 21, 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, Vasilas, Vice Chair Mishek and Chair Finlay.

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

**Absent:** Board Member Johnson and Staff Attorney Palomar Sanchez. *(Staff Attorney Palomar Sanchez present as of 5:17 P.M. and left the meeting at 7:00 P.M.)*

**STATEMENT OF CONFLICT OF INTEREST**

None.

**AGENDA REVIEW**

None.

**PUBLIC FORUM**

Cordell Hindler restated his comment from previous Rent Board Meetings regarding City legislative bodies continuing to meet via videoconference and teleconference. He does not support Consent Calendar Item F-7 because he attended a hybrid meeting at the City of El Cerrito, which went well. He hopes the Rent Board would consider holding hybrid meetings and return to the City Council Chambers at some point because it will allow the public to participate in person or via zoom. He also invited the Board to attend the Contra Costa Mayors Conference on the first Thursday in January hosted by the City of Hercules. He was still determining the location and will provide additional information later.

Iлона Clark reiterated her concurrence with the previous commentor regarding the Rent Board holding hybrid meetings. She stated she likes the convenience of using the Zoom format but does not like the that she cannot see or is aware of how many other people are in attendance. Iлона also feels that since this is a public meeting, it should follow the traditional format of public meetings. She added there is a capability to see everyone in the room under whichever name the attendee chooses to use (or none). She said

that in a physical room, attendees would have the opportunity to visit with one another, chat, and exchange private communications within the context of the meeting. She hopes the Rent Board would accept this new world and consider holding hybrid meetings so people can attend in person. She stated holding hybrid meetings would be more inclusive and better. She added that she is surprised that this topic has yet to be discussed at a meeting and asked how to get this topic on the agenda. She feels the Board should at least talk about it.

**RENT BOARD CONSENT CALENDAR**

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

\*F-1. Approve the minutes of the October 19, 2022, Regular Meeting of the Richmond Rent Board.

\*F-2. Receive the Fiscal Year 2022-23 Monthly Activity Report through October 2022. *This item was continued from the November 16, 2022, meeting.*

\*F-3. Receive the Fiscal Year 2022-23 Monthly Activity Report through November 2022.

\*F-4. Receive the Rent Program FY 2022-23 Monthly Revenue and Expenditure Report through October 2022. *This item was continued from the November 16, 2022, meeting.*

\*F-5. Receive the Rent Program FY 2022-23 Monthly Revenue and Expenditure Report through November 2022.

\*F-6. Approve late fee waiver(s) for November 2022 pursuant for Regulation 425. *This item was continued from the November 16, 2022, meeting.*

\*F-7. 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. *This item was continued from the November 16, 2022, meeting.*

**CONSIDERATION OF APPEALS**

**G-1.** General Counsel Charles Oshinuga presented on the matter of Appeal regarding Petition number RC21-T145. The Appellant filed an appeal of the Hearing Examiner's Decision that found that the Respondent was entitled to relocation payments in the amount of \$11,723.82 because the Respondent vacated the Rental Unit pursuant to a Government Agency's Order to Vacate. In their filing, the Appellant states, "I would like to appeal to the Rent Board". No other statements within the Appellant's filing are substantively related to this appeal. On appeal and as a threshold matter, the Board must decide whether the Appellant's appeal should be dismissed for a failure to state a specific ground on which the appeal is based. The following individual gave public comment: Ilona Clark. All parties to this case were present. Board Clerk Cynthia Shaw swore in translator Jacqueline Huynh to assist the Appellant and swore in the parties. The Rent Board extended both parties' time due to translation assistance. The Appellant was given 10 minutes to present. The Appellant presented for 6:15 minutes, then the Respondent was given 14 minutes to present and presented for 12:52 minutes. Finally, the Appellant was given 4 minutes to close but waived the time. The Appeal hearing began, and the following individuals presented their case: Nam Nguyen, Em Le, and Donielle Robinson. After hearing the issues brought on appeal and considering the arguments of all parties on appeal, Chair Finlay declared the hearing closed as of 6:00pm to allow Board Members to discuss the case. Discussion ensued. A motion by Chair Finlay and seconded by Vice Chair Mishek to adopt the Staff Attorney's recommendation to dismiss the Appellant's appeal for failure to state specific grounds on which the appeal is based and/or facts supporting the appeal and approve the Hearing Examiner's decision as the final decision of the Rent Board. Therefore, the Respondent is entitled to Relocation Payments in the amount of \$11,723.82, passed by the following vote: **Ayes:** Board Member Conner, Vice Chair Mishek and Chair Finlay. **Noes:** Board Member Vasilas. **Abstentions:** None. **Absent:** Board Member Johnson.

General Counsel Charles Oshinuga provided a brief statement to inform the landlords that the result of the hearing today means the Hearing Examiner's decision will become the Rent Board's final decision. The amount the Hearing Examiner determined will be owed to the tenant by the landlord are considered the relocation payments. However, the landlords have a right to appeal the Rent Board's decision in Superior Court. If the

landlords fail to appeal the decision in Superior Court by a certain period, the Rent Board decision becomes enforceable. The tenant could enforce a payment requirement against the landlord. In the coming days, all parties will receive a written statement of the Rent Board's decision in the mail and information regarding the right to appeal the decision in Superior Court. Because the document requires translation, it may take longer to receive the decision and statements. He informed the parties to check their mail and call the Rent Program if they have any concerns or if not received. He added that we would send the documents by email and mail. He also stated that the rules and timing are critical and encouraged the parties and anyone else to contact the Rent Program if they have any questions regarding rules and timing and any potential legal assistance to which the Rent Program could refer.

Rent Board Clerk Cynthia Shaw concluded the hearing and dismissed the parties for Appeal RC21-T145.

#### **RENT BOARD AS A WHOLE**

**H-1.** The matter of receiving the 2020-21 Affordable Housing Report summarizing Low-Income Housing Tax Credit (LIHTC) developments' compliance in Richmond and determining the next steps for LIHTC properties and exemptions under Regulation 202 was presented by Executive Director Nicolas Traylor. The presentation included the statement of issue, background, introduction, purpose of the report, an overview of Richmond's affordable housing stock, an overview of government-subsidized notices of termination of tenancy, an overview of services for government-subsidized tenants and affordable housing providers, a charted summary of compliance with Resolution 19-01 for FY 2020-2021, next steps, and the recommended action. The following individual gave comments: Ilona Clark. Discussion ensued. A motion by Chair Finlay, seconded by Vice Chair Mishek to receive the 2020-21 Affordable Housing Report summarizing Low-Income Housing Tax Credit (LIHTC) developments' compliance in Richmond and wait for the new report for 2021-22 to be presented to the Board for discussion and recommendation at a later time passed by the following: **Ayes:** Board Members Conner, Vasilas, Vice Chair Mishek and Chair Finlay. **Noes:** None. **Abstentions:** None. **Absent:** Board Member Johnson.

A motion by Vice Chair Mishek, seconded by Chair Finlay, to continue Item H-2 to be heard at the January 18, 2023, meeting and to extend the meeting past the 3-hour time limit to allow

enough time to hear and vote on Item H-3 under Rent Board as A Whole passed by the following: **Ayes:** Board Member Vasilas, Vice Chair Mishek and Chair Finlay. **Noes:** Board Member Conner. **Abstentions:** None. **Absent:** Board Member Johnson.

**RENT BOARD AS A WHOLE**

**H-3.** The matter to authorize and direct Rent Program staff to work with the City of Richmond to support the development and research the ability and potential costs for the Rent Program to administer a City of Richmond-funded rental assistance program and continue to assist with the processing of rent assistance applicants for the remaining ARPA funds. Rent Program staff would seek the Rent Board's recommendation on a proposed rent assistance program model prior to presenting options and recommendations to the City Council for its consideration and approval was presented by Executive Director Nicolas Traylor. The presentation included an overview of the previous Council action, fiscal impact, the statement of issue, a summary of the background and discussion, and the recommended action. There were no public comments on this item. Discussion ensued. A motion by Board Member Conner, seconded by Vice Chair Mishek, to continue the discussion on this item until the Executive Director or his designee determines the time and cost to develop a model and to ascertain whether the City Council will pay for the time to conduct the research necessary passed by the following: **Ayes:** Board Members Conner, Vasilas, and Vice Chair Mishek. **Noes:** Chair Finlay. **Abstentions:** None. **Absent:** Board Member Johnson.

**REPORTS OF OFFICERS**

**I-1.** There were no reports provided by staff and Board Members due to the extension of the meeting time.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:38 P.M.

Cynthia Shaw  
Staff Clerk

(SEAL)

Approved:

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Virginia Finlay, Rent Board Chair

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# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: January 18, 2023

Final Decision Date Deadline: January 18, 2023

**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 December 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	276	218	-	-	-	-	-	-	1,302
6 Rent/Eviction Counseling Appointments By Walk-ins		4	2	8	15	16	15	-	-	-	-	-	-	60
7 Rent/Eviction Counseling Questions Addressed By Email		156	213	180	139	200	184	-	-	-	-	-	-	1,072
<b>8 TOTAL RENT/EVICTION COUNSELING APPOINTMENTS</b>		<b>338</b>	<b>402</b>	<b>406</b>	<b>379</b>	<b>492</b>	<b>417</b>	-	-	-	-	-	-	<b>2,434</b>
9 Rent/Eviction Counseling Sessions Conducted in Spanish		38	26	20	18	21	13	-	-	-	-	-	-	136
10 Rent/Eviction Counseling Sessions Conducted in Mandarin		-	-	-	-	-	-	-	-	-	-	-	-	-
11 Rent/Eviction Counseling Sessions Conducted in Cantonese		-	1	-	-	-	-	-	-	-	-	-	-	1
12 Rent/Eviction Counseling Sessions Conducted in Another Language		-	-	-	-	-	-	-	-	-	-	-	-	-
<b>TOTAL RENT/EVICTION COUNSELING APPOINTMENTS IN A LANGUAGE OTHER THAN ENGLISH</b>		-	27	20	18	21	13	-	-	-	-	-	-	<b>99</b>
14 Legal Service Referrals		20	19	22	16	38	34	-	-	-	-	-	-	149
17 Mediations Conducted		11	3	-	3	5	3	-	-	-	-	-	-	25
18 Assists from Front Office Staff		5	5	7	5	5	5	-	-	-	-	-	-	32
19 Courtesy Compliance Letters Sent		38	224	245	261	295	121	-	-	-	-	-	-	1,184
20 Community Workshop Attendees		-	-	-	-	-	-	-	-	-	-	-	-	-
21 Hard Copy Rent Increase Notices Processed		62	52	42	34	50	25	-	-	-	-	-	-	265
22 Hard Copy Termination of Tenancy Notices Processed		7	5	8	15	7	7	-	-	-	-	-	-	49
<b>24</b>		<b>69</b>	<b>57</b>	<b>50</b>	<b>49</b>	<b>57</b>	<b>32</b>	-	-	-	-	-	-	<b>314</b>
25 Billing/Enrollment/Registration Counseling Appointments In-Person		-	-	1	-	-	-	-	-	-	-	-	-	1
26 Billing/Enrollment/Registration Counseling Appointments By Phone		36	108	106	36	58	41	-	-	-	-	-	-	385
27 Billing/Enrollment/Registration Counseling Questions Addressed By Email		51	114	77	41	51	64	-	-	-	-	-	-	398
<b>28 TOTAL BILLING/ENROLLMENT/REGISTRATION COUNSELING APPOINTMENTS</b>		<b>87</b>	<b>222</b>	<b>183</b>	<b>77</b>	<b>109</b>	<b>105</b>	-	-	-	-	-	-	<b>783</b>
29 Enrollment/Tenancy Registration Packets Mailed		10	1	38	13	15	13	-	-	-	-	-	-	90
30 Enrollment Forms Processed		25	24	31	7	18	50	-	-	-	-	-	-	155
31 Rental Housing Fee Invoices Generated		29	5,629	145	8	357	294	-	-	-	-	-	-	6,462
32 Checks Processed		8	391	496	151	65	75	-	-	-	-	-	-	1,186
33 Checks Returned		2	7	6	53	10	10	-	-	-	-	-	-	88
34 Tenancy Registrations Received		30	13	100	20	15	15	-	-	-	-	-	-	193
35 Rental Units Discovered Not in Database		1	2	4	3	5	8	-	-	-	-	-	-	23
36 Property Information Updated		46	82	9	12	106	6	-	-	-	-	-	-	261
37 Compliance Actions (Reviewing Records, Exemption Statuses, Addresses)		-	7	15	68	26	21	-	-	-	-	-	-	137
38 Applications for Administrative Determination of Exempt/Inapplicable Status Received		2	7	12	6	7	6	-	-	-	-	-	-	40
39 Administrative Determination of Exempt/Inapplicable Status Issued		-	-	-	-	2	6	-	-	-	-	-	-	8
40 Declarations of Exemption Processed		-	-	-	33	-	2	-	-	-	-	-	-	35
<b>41 LEGAL UNIT</b>														
42 Public Records Act Requests Received		2	1	2	7	2	3	-	-	-	-	-	-	17
43 Owner Move-In Eviction Termination of Tenancy Notices Reviewed		-	-	-	-	1	4	-	-	-	-	-	-	5
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	-	-	-	-	-	-	2
<b>47 HEARINGS UNIT</b>														
50 Consultations with Hearings Unit Coordinator By Phone		3	5	13	4	2	2	-	-	-	-	-	-	29
51 Hearings-Related Questions Addressed by Email		34	43	54	31	26	20	-	-	-	-	-	-	208
<b>52 TOTAL HEARINGS-RELATED CONSULTATIONS</b>		<b>37</b>	<b>48</b>	<b>67</b>	<b>35</b>	<b>28</b>	<b>22</b>	-	-	-	-	-	-	<b>237</b>
53 MNOI Petitions Received (Attachment A)		-	-	-	-	-	3	-	-	-	-	-	-	3
54 Increased in Occupants Petitions Received (Attachment B)		1	-	-	-	1	-	-	-	-	-	-	-	2
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	3	-	-	-	-	-	-	5
58 Landlord Petition to Determine Exempt Status Received		-	-	-	-	-	-	-	-	-	-	-	-	-
<b>59 TOTAL LANDLORD PETITIONS RECEIVED</b>		<b>2</b>	-	-	-	<b>2</b>	<b>6</b>	-	-	-	-	-	-	<b>10</b>
60 Excess Rent or Failure to Return Sec Dep Petitions Received (Attachment A)		1	-	-	-	1	-	-	-	-	-	-	-	2
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	-	-	1	-	-	-	-	-	-	-	3
64 Tenant Petition for Rent Withholding Petitions Received		-	-	-	-	-	-	-	-	-	-	-	-	-
65 Tenant Petition for Failure to Pay Relocation Payment Petitions Received		-	1	-	-	-	1	-	-	-	-	-	-	2
<b>66 TOTAL TENANT PETITIONS RECEIVED</b>		<b>3</b>	<b>3</b>	-	-	<b>2</b>	<b>1</b>	-	-	-	-	-	-	<b>9</b>
67 Petition for Determination of Occupancy Status		-	-	-	-	-	-	-	-	-	-	-	-	-

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

**ITEM F-2**

1	A	B	C	D	E	F	G	H	I	J	K	L	M	N
2		Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	
68	Petition for Initial Rent Determination	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	2	2	-	-	-	-	-	-	9
74	Cases Settled	2	3	1	1	-	-	-	-	-	-	-	-	7
75	Cases Dismissed	-	-	-	-	-	2	-	-	-	-	-	-	2
76	Petitions Withdrawn	1	-	-	-	1	-	-	-	-	-	-	-	2
77	<b>TOTAL CASES CLOSED</b>	4	5	2	2	3	4	-	-	-	-	-	-	20
78	Appeals Received	1	2	-	-	-	-	-	-	-	-	-	-	3
79	Total Open Cases (Tenant Petitions)	3	2	2	2	2	4	-	-	-	-	-	-	15
80	Total Open Cases (Landlord Petitions)	14	13	9	5	8	9	-	-	-	-	-	-	58
81	Total Open Cases (Other Petitions)	-	1	-	-	-	-	-	-	-	-	-	-	1
82	<b>TOTAL OPEN CASES</b>	17	16	11	7	10	13	-	-	-	-	-	-	74
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	2	7	-	-	-	-	-	-	86
89	<b>TOTAL RENT INCREASE NOTICES FILED</b>	213	218	114	78	128	33	-	-	-	-	-	-	784
90	Termination of Tenancy - Nonpayment of Rent	86	112	94	133	105	84	-	-	-	-	-	-	614
91	Termination of Tenancy - Breach of Lease	1	2	3	2	4	-	-	-	-	-	-	-	12
92	Termination of Tenancy - Failure to Give Access	-	-	-	-	-	-	-	-	-	-	-	-	-
93	Termination of Tenancy - Nuisance	-	3	-	2	3	2	-	-	-	-	-	-	10
94	Termination of Tenancy - Withdrawal from the Rental Market	1	-	-	5	-	-	-	-	-	-	-	-	6
95	Termination of Tenancy - Owner Move-In	-	-	-	-	6	4	-	-	-	-	-	-	10
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	118	90	-	-	-	-	-	-	652

# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: January 18, 2023

Final Decision Date Deadline: January 18, 2023

**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 December 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	Period 5	Period 6	ENCUMBRANCES	YTD TOTAL	AVAILABLE BUDGET	% USED
			July	August	September	October	November	December				
340445 Rental Housing Fees	(3,062,687.00)	(3,062,687.00)	(28,326.50)	(766,007.22)	(768,831.20)	(288,653.83)	(180,530.95)	(57,691.70)	-	(2,090,041.40)	(972,645.60)	68.2%
<b>TOTAL LICENSES, PRIMITS&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>(180,530.95)</b>	<b>(57,691.70)</b>	-	<b>(2,090,041.40)</b>	<b>(972,645.60)</b>	<b>68.2%</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>-</b>	<b>-</b>	<b>-</b>	<b>(4,260.45)</b>	<b>-</b>	<b>-</b>	<b>-</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)	-	(21,156.00)	-	(31,156.51)	1,156.51	103.9%
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>-</b>	<b>(10,000.00)</b>	<b>(7,454.91)</b>	<b>(2,545.60)</b>	<b>-</b>	<b>(21,156.00)</b>	<b>-</b>	<b>(41,156.51)</b>	<b>1,156.51</b>	<b>137.2%</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>(180,530.95)</b>	<b>(78,847.70)</b>	<b>-</b>	<b>(2,135,458.36)</b>	<b>(971,228.64)</b>	<b>68.7%</b>
400001 SALARIES & WAGES/Executive	719,901.00	719,901.00	58,309.76	58,309.76	58,309.76	58,309.76	58,309.76	58,309.76	-	349,858.56	370,042.44	48.6%
400002 SALARIES & WAGES/Mgmt-Local 21	313,701.00	313,701.00	13,345.14	25,351.72	25,351.72	25,351.72	25,351.72	26,323.14	-	141,075.16	172,625.84	45.0%
400003 SALARIES & WAGES/Local 1021	200,427.00	200,427.00	16,347.30	16,347.30	16,347.30	16,347.30	16,347.30	16,347.30	-	98,083.80	102,343.20	48.9%
400006 SALARIES & WAGES/PT- Temp	-	-	2,751.83	519.90	1,600.90	1,445.49	1,391.08	2,136.21	-	9,845.41	(9,845.41)	100.0%
400031 OVERTIME/General	-	-	-	75.69	62.12	50.46	199.92	300.86	-	689.05	(689.05)	100.0%
400048 OTHER PAY/Bilingual Pay	8,342.00	8,342.00	682.14	882.14	782.14	882.14	882.14	882.14	-	4,792.84	3,549.16	57.5%
400049 OTHER PAY/Auto Allowance	4,200.00	4,200.00	350.00	350.00	350.00	350.00	350.00	350.00	-	2,100.00	2,100.00	50.0%
<b>TOTAL SALARIES AND WAGES</b>	<b>1,246,571.00</b>	<b>1,246,571.00</b>	<b>91,786.17</b>	<b>101,636.51</b>	<b>102,736.94</b>	<b>102,736.87</b>	<b>102,831.92</b>	<b>104,649.41</b>	<b>-</b>	<b>606,444.82</b>	<b>640,126.18</b>	<b>48.6%</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	1,495.32	1,524.73	-	8,836.21	9,370.79	48.5%
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	19,545.08	19,545.08	-	114,174.88	118,116.12	49.2%
400106 P-ROLL BEN/Dental Insurance	17,520.00	17,520.00	1,217.00	1,460.40	1,460.40	1,387.32	1,387.32	1,387.32	-	8,299.76	9,220.24	47.4%
400109 P-ROLL BEN/Employee Assistance	216.00	216.00	15.30	18.36	18.36	18.36	18.36	18.36	-	107.10	108.90	49.6%
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	166.44	166.44	-	985.86	1,066.14	48.0%
400112 P-ROLL BEN/Life Insurance	4,139.00	4,139.00	281.43	327.53	327.53	327.53	327.53	327.53	-	1,919.08	2,219.92	46.4%
400114 P-ROLL BEN/Long Term Disabilit	12,342.00	12,342.00	462.00	525.04	526.09	526.09	526.09	531.19	-	3,096.50	9,245.50	25.1%
400116 P-ROLL BEN/Unemployment Ins	5,472.00	5,472.00	456.00	494.00	494.00	494.00	494.00	532.00	-	2,964.00	2,508.00	54.2%
400117 P-ROLL BEN/Personal/Prof Dev	2,250.00	2,250.00	-	-	-	-	-	211.43	-	211.43	2,038.57	9.4%
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	1,114.63	1,180.43	-	6,919.03	10,777.97	39.1%
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	5,688.98	5,755.04	-	33,383.50	36,902.50	47.5%
400127 P-ROLL BEN/OPEB	40,723.00	40,723.00	2,904.00	3,300.28	3,300.28	3,300.28	3,300.28	3,332.34	-	19,437.52	21,285.48	47.7%
400130 P-ROLL BEN/PARS Benefits	-	-	35.78	6.76	20.97	18.79	18.38	28.08	-	128.76	(128.76)	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	12,692.04	12,814.25	-	74,701.13	81,585.87	47.8%
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	23,838.12	23,838.12	-	139,055.70	147,000.30	48.6%
<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>70,612.57</b>	<b>71,192.34</b>	<b>-</b>	<b>415,220.46</b>	<b>457,067.54</b>	<b>47.6%</b>
400201 PROF SVCS/Professional Svcs	143,455.00	146,455.00	-	260.16	813.00	732.57	522.57	1,171.12	17,050.58	3,499.42	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	16,666.00	16,666.00	122,920.00	64,580.00	22,500.00	89.3%
400245 TRAVEL & TRNG/Tuition Rmb/Cer	800.00	800.00	-	-	-	-	-	935.00	-	935.00	(135.00)	116.9%
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	-	884.78	-	1,622.80	3,757.20	30.2%
<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>17,188.57</b>	<b>19,656.90</b>	<b>139,970.58</b>	<b>71,286.22</b>	<b>153,828.20</b>	<b>57.9%</b>
400231 OFF EXP/Postage & Mailing	17,300.00	17,300.00	137.37	-	-	3,272.45	599.65	391.35	-	4,400.82	12,899.18	25.4%
400232 OFF EXP/Printing & Binding	24,404.00	24,404.00	-	-	-	1,352.24	-	150.57	-	1,502.81	22,601.19	6.2%
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	186.58	186.58	4,145.84	1,154.40	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	-	177.01	-	680.44	4,319.56	13.6%
<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>786.23</b>	<b>905.51</b>	<b>4,145.84</b>	<b>7,738.47</b>	<b>48,019.69</b>	<b>19.8%</b>
400401 UTILITIES/Tel & Telegraph	500.00	500.00	-	-	-	-	-	-	-	-	500.00	0.0%
<b>TOTAL UTILITIES</b>	<b>500.00</b>	<b>500.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>500.00</b>	<b>0.0%</b>
400538 CONTRACT SVCS/Oth Cntrc	-	300.00	-	-	-	28.11	-	28.11	208.78	56.22	35.00	88.3%
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>-</b>	<b>-</b>	<b>8,077.00</b>	<b>-</b>	<b>-</b>	<b>-</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	6,995.00	6,995.00	-	41,964.00	41,970.00	50.0%
400586 COST POOL/(CAP)- Admin Charges	52,481.00	52,481.00	-	-	-	17,492.00	4,377.00	4,377.00	-	26,241.00	26,240.00	50.0%
400591 COST POOL/(IND)Civic Ctr Alloc	48,217.00	48,217.00	-	-	-	16,073.00	4,018.00	4,018.00	-	24,109.00	24,108.00	50.0%
<b>TOTAL COST POOL</b>	<b>184,632.00</b>	<b>184,632.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>61,539.00</b>	<b>15,390.00</b>	<b>15,385.00</b>	<b>-</b>	<b>92,314.00</b>	<b>92,318.00</b>	<b>50.0%</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>206,809.29</b>	<b>211,817.27</b>	<b>144,333.20</b>	<b>1,201,137.19</b>	<b>1,393,109.61</b>	<b>49.1%</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>26,278.34</b>	<b>132,969.57</b>	<b>144,333.20</b>	<b>(934,321.17)</b>	<b>421,880.97</b>	<b>214.6%</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>	<b>2,368,339.48</b>	<b>2,235,369.91</b>				

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# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: January 18, 2023

Final Decision Date Deadline: January 18, 2023

**STATEMENT OF THE ISSUE:** As part of the Fiscal Year 2022-23 budget development process, management staff consulted with Kevin Harper, CPA, to implement a series of budgetary best practices for the Rent Program and Rent Board. As Kevin Harper advised in his March 12, 2020, memorandum, "a key element of an effective budget process is monitoring actual results against the budget throughout the year. This is done on a quarterly basis to allow management time to make adjustments if necessary to expenditures, policies or operations." In accordance with Kevin Harper's advice, staff members have prepared the report for the second quarter ending December 31, 2022, for the Board's receipt.

## INDICATE APPROPRIATE BODY

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

## ITEM

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

**RECOMMENDED ACTION:** RECEIVE the Budgeted versus Actual Revenue and Expenditures Report for the first quarter ending December 31, 2022 – Rent Program (Fred Tran 620-6537).

AGENDA ITEM NO:

**F-4.**

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RICHMOND RENT PROGRAM  
 BUDGET VS ACTUAL REPORT - REVENUES AND EXPENDITURES  
 QUARTER ENDED DECEMBER 31, 2022

	QUARTER ENDED 12/31/2022			YEAR-TO-DATE 12/31/2022			VARIANCE EXPLANATION (a)
	BUDGET	ACTUAL	VARIANCE	BUDGET	ACTUAL	VARIANCE	
<b>REVENUES</b>							
Fees (includes revenue from collections agency)	\$ (765,672)	\$ (526,876)	\$ 238,795	\$ (2,756,418)	\$ (2,090,041)	\$ 666,377	Delay in billing due to City Council adopting Rental Housing Fee in July 2022
Other Income	(11,000)	(27,962)	(16,962)	(22,000)	(45,417)	(23,417)	Grant received to assist with Rent Assistance and increase in collections
<b>TOTAL REVENUES</b>	<b>(776,672)</b>	<b>(554,839)</b>	<b>221,833</b>	<b>(2,778,418)</b>	<b>(2,135,458)</b>	<b>642,960</b>	
<b>EXPENDITURES</b>							
<b>Salaries &amp; Wages</b>							
SALARIES & WAGES/Executive	179,975	174,929	5,046	359,951	349,859	10,092	
SALARIES & WAGES/Mgmt-Local 21	78,425	77,027	1,399	156,851	141,075	15,775	
SALARIES & WAGES/Local 1021	50,107	49,042	1,065	100,214	98,084	2,130	
SALARIES & WAGES/PT- Temp	-	4,973	(4,973)	-	9,845	(9,845)	Adopted Budget line item amount has not been inputted by Finance Department
OVERTIME/General	-	551	(551)	-	689	(689)	Adopted Budget line item amount has not been inputted by Finance Department
OTHER PAY/Bilingual Pay	2,086	2,646	(561)	4,171	4,793	(622)	
OTHER PAY/Auto Allowance	1,050	1,050	-	2,100	2,100	-	
OTHER PAY/Medical- in Lieu of	-	-	-	-	-	-	
OTHER PAY/Bonuses	-	-	-	-	-	-	
<b>Subtotal Salaries &amp; Wages</b>	<b>311,643</b>	<b>310,218</b>	<b>1,425</b>	<b>623,286</b>	<b>606,445</b>	<b>16,841</b>	
<b>Benefits</b>							
P-ROLL BEN/Medicare Tax-ER Shr	4,552	4,514	38	9,104	8,836	267	
P-ROLL BEN/Health Insurance Benefit	58,073	58,635	(562)	116,146	114,175	1,971	
P-ROLL BEN/Dental Insurance	4,380	4,162	218	8,760	8,300	460	
P-ROLL BEN/Employee Assistance	54	55	(1)	108	107	1	
P-ROLL BEN/Professional Dev-Mg	1,688	-	1,688	3,375	1,000	2,375	To date, Staff has utilized less professional development
P-ROLL BEN/Vision	513	499	14	1,026	986	40	
P-ROLL BEN/Life Insurance	1,035	983	52	2,070	1,919	150	
P-ROLL BEN/Long Term Disability	3,086	1,583	1,502	6,171	3,097	3,075	Less LTD Insurance paid due to date
P-ROLL BEN/Unemployment Ins	1,368	1,520	(152)	2,736	2,964	(228)	
P-ROLL BEN/Personal/Prof Dev	563	211	351	1,125	211	914	To date, Staff has utilized less professional development
P-ROLL BEN/Worker Comp-Clerical	4,424	3,361	1,063	8,849	6,919	1,929	
P-ROLL BEN/Worker Comp-Prof	17,572	17,133	439	35,143	33,384	1,760	
P-ROLL BEN/OPFB	10,181	9,933	248	20,362	19,438	924	
P-ROLL BEN/PARS Benefits	-	65	(65)	-	129	(129)	Staff to investigate PARS charge
P-ROLL BEN/PERS-Misc.	39,072	38,198	873	78,144	74,701	3,442	
P-ROLL BEN/PERS-Misc. (UAL)	71,514	71,514	(0)	143,028	139,056	3,972	
<b>Subtotal Benefits</b>	<b>218,072</b>	<b>212,368</b>	<b>5,704</b>	<b>436,144</b>	<b>415,220</b>	<b>20,924</b>	
<b>Professional &amp; Administrative Services</b>							
PROF SVCS/Professional Svcs	35,864	2,426	33,437	71,728	3,499	68,228	Cost Pool consultant contract approval in January, working with Finance on system contract
PROF SVCS/Legal Serv Cost	52,500	43,748	8,752	105,000	64,580	40,420	Legal services invoice have been encumbered and will be paid later
Travel & Trng/Tuition Rmb/Cert	200	935	(735)	400	935	(535)	Staff has utilized training for mediations seminar
Travel & Trng/Registration Fee	413	-	413	825	-	825	To date, Staff has not utilized training reimbursements
Ad & Promo/Advertising & Promo Materials	200	649	(449)	400	649	(249)	Projects and outreach conducted to for Measure P
Adm Exp/Program Supplies	1,345	1,429	(84)	2,690	1,623	1,067	Less supplies used due to less staff on site
<b>Subtotal Professional, Travel, &amp; Admin Services</b>	<b>90,521</b>	<b>49,187</b>	<b>41,334</b>	<b>181,043</b>	<b>71,286</b>	<b>109,756</b>	
<b>Other Operating Expenditures</b>							
OFF EXP/Postage & Mailing	4,325	4,263	62	8,650	4,401	4,249	Invoices and mailing delayed due to Council approving Fees in July 2022
OFF EXP/Printing & Binding	6,101	1,503	4,598	12,202	1,503	10,699	Invoices and mailing delayed due to Council approving Fees in July 2022
OFF EXP/Copying & Duplicating	125	-	125	250	-	250	Invoices and mailing delayed due to Council approving Fees in July 2022
RENTAL EXP/Equipment Rental	2,250	968	1,282	4,500	1,154	3,346	Invoices and mailing delayed due to Council approving Fees in July 2022
MISC EXP/Misc. Contrib	500	-	500	1,000	-	1,000	To date, expenditures for line item have not been utilized in Q1 and Q2
MISC EXP/Misc. Exp	500	-	500	1,000	-	1,000	To date, expenditures for line item have not been utilized in Q1 and Q2
OFF SUPP/Office Supplies	1,250	536	714	2,500	680	1,820	To date, expenditures for line item have not been utilized in Q1
UTILITIES/Tel & Telegraph	125	-	125	250	-	250	To date, expenditures for line item have not been utilized in Q1 and Q2
CONTRACT SVCS/Oth Cntrc	-	56	(56)	-	56	(56)	To date, expenditures for line item have not been utilized in Q1 and Q2
PROV FR INS LOSS/Ins Gen Liab	2,325	-	2,325	4,650	-	4,650	Annual invoice for General Insurance expenditure paid in September for full year
COST POOL/(ISF)-Gen Liability	20,984	41,964	(20,981)	41,967	41,964	3	
COST POOL/(CAP)- Admin Charges	13,120	26,241	(13,121)	26,241	26,241	(1)	
COST POOL/(IND)-Civic Ctr Alloc	12,054	24,109	(12,055)	24,109	24,109	(1)	
<b>Subtotal Other Operating Expenditures</b>	<b>63,659</b>	<b>99,640</b>	<b>(35,981)</b>	<b>127,318</b>	<b>108,186</b>	<b>19,132</b>	
<b>TOTAL EXPENDITURES</b>	<b>683,895</b>	<b>671,413</b>	<b>12,482</b>	<b>1,367,790</b>	<b>1,201,137</b>	<b>166,653</b>	
<b>EXCESS OF (REVENUES) OVER EXPENDITURES</b>	<b>\$ (92,777)</b>	<b>\$ 116,575</b>	<b>\$ (209,352)</b>	<b>\$ (1,410,628)</b>	<b>\$ (934,321)</b>	<b>\$ (476,307)</b>	

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

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# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: January 18, 2023

Final Decision Date Deadline: January 18, 2023

**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 January 2023, 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 January 2023 pursuant for Regulation 425 - Rent Program (Fred Tran/510-620-6537).

AGENDA ITEM NO:

**F-5.**

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**Late Fee Waiver Summary – January 2023 Regular Board Meeting**

<b>Property Street</b>	<b>Property Owner</b>	<b>Date of Request</b>	<b>Reason for Request</b>	<b>Recommendation to Approve or Deny</b>	<b>Late Fee Amount</b>	<b>Total Late Fees Waived if Approved</b>	<b>Recommended Late Fee Amount (if any)</b>
1 76 Bayside Court	Gloria Chan	September 26, 2022	Other - Owner did not receive rent	Partial Waiver to the 10% penalty level	\$61.50	\$49.20	\$12.30
2 986 36 <sup>th</sup> Street	Diana Vergil	August 19, 2022	System error – incorrect amount invoiced	Full waiver of late fees	\$61.50	\$61.50	None
4 2801 Rheem Avenue	Austin Allred	August 22, 2022	Wrong Mailing Address	Full waiver of late fees	\$324.50	\$324.50	None
3 3920 Jenkins Way	Luis Cervantes	August 25, 2022	Wrong Mailing Address	Full waiver of late fees	\$388.50	\$388.50	None

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To: Members of the Richmond Rent Board

From: Fred Tran, Deputy Director

Re: Late Fee Waiver Recommendation – 76 Bayside Court

Date: January 18, 2023

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 January 2023:

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)
Gloria Chan	September 26, 2022	Other - Owner did not receive rent	Partial Waiver to the 10% penalty level	\$61.50	\$49.20	\$12.30

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 26, 2022, (Attachment 1) Gloria Chan the property owner at 76 Bayside Court indicated that the reason for paying late was that the owner did not receive seven months of rent. She paid the outstanding fees on October 4, 2022.

Rent Program staff confirmed Gloria Chan met the requirements of enrolling the property on December 1, 2022. Rent Program staff confirmed Gloria Chan paid the base Residential Rental Housing Fees for Fiscal Years 2021-2022 and 2022-2023 on October 4, 2022.

Upon additional research, Rent Program staff verified a prior late fee waiver had been submitted to the Program and approved on October 28, 2019, for prior years Rental Housing Fee. The reason for the prior submittal was due to “never received the 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 Gloria Chan paid the base Residential Rental Housing Fees for Fiscal Years 2021-2022 and 2022-2023 on October 4, 2022.

Rent Program staff verified with Contra Costa County records that 76 Bayside Court is a Condominium built in 1992.

Staff Recommendation

Gloria Chan displayed good faith efforts to be in compliant 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 October 2019, a 10% late fee penalty of \$12.30 should be assessed.

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## Request to Remove Late Fees

Property Owner Name: Gloria Chan

FRJC # [REDACTED]

Property Owner Phone Number or Email: [REDACTED]

The Property Owner has requested the removal of late fees on their account totaling \$61.50 for the following reason:

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

### 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: 09 / 26 / 2022

Printed Name: Gloria Chan

### 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 – 986 36<sup>th</sup> Street

Date: January 18, 2023

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 January 2023:

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)
Thomas A. Bolling Trust	August 19, 2022	System error – incorrect amount invoiced	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 29, 2022, from Diana Vergil for 986 36<sup>th</sup> Street. Diana indicated that the invoice was paid in full, and owner was not billed the correct amount for her unit.

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, Diana Vergil 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.*

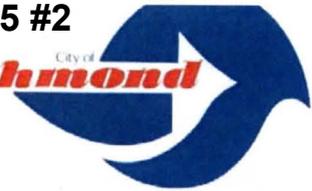
Rent Program staff verified with Contra Costa County records that 986 36<sup>th</sup> Street is a Residential Multiple-Family built in 1942. Rent Program staff confirmed that fees were paid (minus late fees) on August 30, 2022 and enrolled the property with the Richmond Rent Program on January 3, 2019. Based on the above-mentioned facts, Diana Vergil claims that the invoice was paid on time for an incorrect amount due to system error is

valid. Diana Vergil 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

Diana Vergil has shown good faith efforts to come into compliance, by contacting the Rent Program to inquire about the invoice, paying the Rental Housing Fees when 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: Vergil Diana TRE
FRJC #: [redacted]
Property Owner Phone Number or Email: [redacted]

The Property Owner has requested the removal of late fees on their account totaling \$ 61.50 for the following reason:

- Multiple checkboxes for reasons like 'New Owner, did not receive invoice', 'Wrong Mailing Address', etc. The 'Other' checkbox is checked with handwritten text: 'Rental housing fee was paid 7/2021 by check w/ the envelope given to USPS with a stamp. The check has not been cashed to this day.'

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: Diana Vergil Date: 8/29/2022
Printed Name: DIANA VERGIL

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 – 2801 Rheem Avenue

Date: January 18, 2023

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 January 2023:

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)
Austin Allred	August 22, 2022	Wrong Mailing Address	Full waiver of late fees	\$324.50	\$324.50	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 22, 2022, from Austin Allred for 2801 Rheem Avenue. Austin indicated that the invoice was mailed to the incorrect address.

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, Austin Allred had paid timely during the last (4) four fiscal years when the invoice was received.

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.*

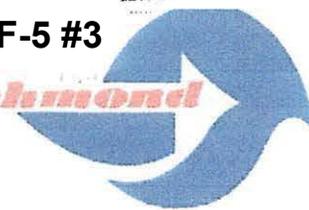
Rent Program staff verified with Contra Costa County records that 2801 Rheem Avenue is a Residential Multiple-Family built in 1938. Rent Program staff confirmed that fees were paid (minus late fees) on August 26, 2022 and enrolled the property with an update with the Richmond Rent Program on August 22, 2022. Based on the above-mentioned facts, Austin claims that the invoice was paid on time when the invoice was received. Staff verified that an incorrect mailing address had been entered in the City’s

system. Austin has demonstrated Good Cause that warrants a waiver of late fees with timely paid invoices during the last (4) four fiscal years when received.

Staff Recommendation

Austin has shown good faith efforts to come into compliance, by contacting the Rent Program to inquire about the invoice, paying the Rental Housing Fees when due, and submitting the Property Enrollment forms. Considering these factors, staff recommends that a full waiver of late fees, in the amount of \$324.50 be granted.

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Request to Remove Late Fees

Property Owner Name: Austin Alfred

FRJC # [REDACTED]

Property Owner Phone Number or Email: [REDACTED]

The Property Owner has requested the removal of late fees on their account totaling \$ 324.50 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: Austin Alfred

Date: 08 / 22 / 2022

Printed Name: Austin Alfred

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 – 3920 Jenkins Way and 424 / 428 /430  
S. 45<sup>th</sup> Street

Date: January 18, 2023

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 January 2023:

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)
Luis Cervantes	August 25, 2022	Never received Invoice	Full waiver of late fees	\$388.50	\$388.50	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 25, 2022, (Attachment 1) Luis Cervantes the property owner at 3920 Jenkins Way and 424 / 428 /430 S. 45<sup>th</sup> Street indicated that the reason for paying late was that the owner did not receive the invoices due to a wrong address. Luis paid the outstanding fees on September 8, 2022.

Rent Program staff confirmed Luis Cervantes met the requirements of enrolling the properties on October 1, 2019. Rent Program staff confirmed Luis Cervantes paid the base Residential Rental Housing Fees for Fiscal Years 2021-2022 and 2022-2023 on September 8, 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, Luis Cervantes 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 confirmed Luis Cervantes paid the base Residential Rental Housing Fees for Fiscal Years 2021-2022 and 2022-2023 on September 8, 2022.

Rent Program staff verified with Contra Costa County records that 3920 Jenkins Way is a Residential Single-Family built in 1950.

Rent Program staff verified with Contra Costa County records that 424 / 428 /430 S. 45<sup>th</sup> Street is a Residential Multiple-Family built in 1963.

Luis Cervantes 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

Luis Cervantes has shown good faith efforts to come into compliance, by contacting the Rent Program to inquire about the invoice, paying the Rental Housing Fees when due, and submitting the Property Enrollment forms. Considering these factors, staff recommends that a full waiver of late fees, in the amount of \$388.50 be granted.

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Request to Remove Late Fees

Property Owner Name: Luis Cervantes

FRJC #: [REDACTED]

Property Owner Phone Number or Email: [REDACTED]

The Property Owner has requested the removal of late fees on their account totaling \$388.50 of late fees 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: Did not receive invoice in the mail. Not even a second billing was sent to have had seen what had to be paid.

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: Luis Cervantes Date: 8 / 25 / 2022

Printed Name: Luis Cervantes

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: January 18, 2023

Final Decision Date Deadline: January 18, 2023

**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). ***This item was continued from the December 21, 2022, meeting.***

AGENDA ITEM NO:

**H-1.**

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# AGENDA REPORT

**DATE:** January 18, 2023

**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-1

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 Rental 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. At their meeting on December 20, 2022, the Richmond City Council declared the results of the General Municipal Election held on November 8, 2022. 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 (460%) percent of the percentage increase in the Consumer Price Index (All Urban Consumers, San

**ITEM H-1  
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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# AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: January 18, 2023

Final Decision Date Deadline: January 18, 2023

**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 type="checkbox"/> Other: |
| <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:** 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:

**H-2.**

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# AGENDA REPORT

**DATE:** January 18, 2023

**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 40,080 confirmed cases of COVID-19 and at least 192 deaths in the City of Richmond. That is an increase of approximately 801 confirmed Covid cases and an increase in 1 Covid-related death in 30 days. As indicated by the numbers, 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, health officials are concerned that the new Covid-19 variant is more communicable and has the potential to lead to increases in Covid-19 related deaths. Additionally, the infection rate in the City of Richmond has increased as 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 winter season. Additionally, City Council has continued to pass its Resolution under AB 361, rightfully finding that holding

## ITEM H-2

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.

Lastly, and of importance, despite the rise of COVID-19 infection rates, Governor Newsom has announced that California will be ending its Covid-19 State of Emergency on February 28, 2023. The ending of the State of Emergency will directly impact how, legislative bodies meet virtually. As of today, rent program staff members are in contact with City staff to coordinate the safest way to conduct in-person meetings.

### 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 23-01

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RESOLUTION NO. 23-01

**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

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**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 COVI-19 pandemic. At this meeting the City of Richmond Rent Board has considered the circumstances of the state of emergency; and
2. As described above State and County, and local officials continue to recommend measures to promote physical distancing and other social distancing measures, in some settings; and
3. As described above meetings of this body in person would present imminent risks to the safety of attendees, and the state of emergency continues to directly impact the ability of members to meet safely in public; and:

**BE IT FURTHER RESOLVED** That the City of Richmond Rent Board approves the continued use of teleconferencing for public meetings of City legislative bodies for the next 30 days based on the findings required by Government Code Section 549539(e), as amended by AB 361; and

**BE IT FURTHER RESOLVED**, That at least for the next 30 days, meetings of the City of Richmond Rent Board will continue to occur exclusively by teleconferencing technology (and not by any in-person meetings or any other meetings with public access to the places where any policy body member is present for the meeting). Such meeting of the City of Richmond Rent Board that occur by teleconferencing technology will provide an opportunity for members of the public to address the body and will otherwise occur in a manner that protects the statutory and constitutional rights of the public attending the meeting via teleconferencing, and;

**ITEM H-2  
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 January 18, 2023 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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