



SPECIAL MEETING OF THE RENT BOARD OF THE CITY OF RICHMOND

**CITY COUNCIL CHAMBERS, COMMUNITY SERVICES BUILDING
440 Civic Center Plaza, Richmond, CA 94804**

**AGENDA
Wednesday, October 25, 2023**

Link to Rent Board Meeting Agendas and Accompanying Materials:
www.ci.richmond.ca.us/3375/Rent-Board

Board Chair
Sara Cantor

Board Vice Chair
Karina Guadalupe

Boardmembers
Elaine Dockens
Tomas Espinoza
Jim Hite

NOTICE: SEATING IN THE CHAMBERS WILL BE LIMITED TO THE FIRST 39 PEOPLE AND MASKS ARE STRONGLY ENCOURAGED.

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. Please submit a request, including your name, phone number and/or email address, and a description of the modification, accommodation, auxiliary aid, interpretation service or alternative format requested at least two days before the meeting. Requests should be emailed

to cynthia_shaw@ci.richmond.ca.us and rent@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.

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 4 minutes; 16 to 24 speakers, a maximum of 3 and one-half minutes; and 25 or more speakers, a maximum of 3 minutes.

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.

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SPECIAL MEETING OF THE RICHMOND RENT BOARD

AGENDA

5:00 PM

A. PLEDGE TO THE FLAG

B. ROLL CALL

C. STATEMENT OF CONFLICT OF INTEREST

D. AGENDA REVIEW

E. PUBLIC FORUM

F. RENT BOARD CONSENT CALENDAR

- | | | |
|-------------|---|---------------------|
| F-1. | APPROVE the minutes of the September 20, 2023, Regular Meeting of the Richmond Rent Board. | <i>Cynthia Shaw</i> |
| F-2. | RECEIVE the Fiscal Year 2023-24 Monthly Activity Report through September 2023. | <i>Cynthia Shaw</i> |
| F-3. | RECEIVE the Rent Program FY 2023-24 Monthly Revenue and Expenditure Report through September 2023. | <i>Fred Tran</i> |
| F-4. | RECEIVE the Budgeted versus Actual Revenue and Expenditures Report for the first quarter ending September 30, 2023. | <i>Fred Tran</i> |
| F-5. | APPROVE late fee waiver(s) for October 2023 pursuant to Regulation 425. | <i>Fred Tran</i> |

G. CONSIDERATION OF APPEALS

- | | | |
|-------------|--|-------------------------|
| G-1. | Appeal to Petition No. RC22-T167: Appellant appeals the Hearing Examiner's Decision that rejected Appellant's Excess Rent claim due to impressible trash and sewer charges, but awarded Appellant \$245.76, due to an increase in security alarm charges. Specifically, the Hearing Examiner found that the Appellant failed to demonstrate that the trash and sewer charges were commercially unreasonable. However, the Hearing Examiner did | <i>Charles Oshinuga</i> |
|-------------|--|-------------------------|

find that Respondent engaged in rent overcharges when they increased the Appellant's alarm charges by \$5.12, for 48 months. On appeal, Appellant contends the following: Appellant's lease agreement, which was signed by both the Appellant and Respondent, states that Appellant would pay \$0 for trash and sewer each month.

- G-2.** Appeal to Petition No. RC23-T169: Appellant appeals the Hearing Examiner's Decision that rejected Appellant's claim of Excess Rent due to Respondent's alleged defective Rent increase notice, but ultimately awarded Appellant \$632.70, due to Respondent's overall excessive rent charges. Specifically, the Hearing Examiner found that the Appellant failed to demonstrate by a preponderance of the evidence that Respondent's 2021 rent increase notice was void due to Respondent's alleged failure to file a copy of said rent increase notice with the Rent Program. However, the Hearing Examiner did review Respondent's various rent charges and found that Respondent charged Appellant excessive rents in the amount of \$632.70. On appeal, Appellant contends the following: The evidence that was presented in the hearing was insufficient. There were emails dated January 2023, that were addressed after the fact. My Rent increase was supposed to be submitted in 2020/2021. Supposedly there was an error submitting my rent increase that the rent board wasn't initially not privy to. Also, if indeed the rent increase was submitted it would have been rejected because the amount was incorrect. I would like everything re-evaluated and reconsidered.

Charles Oshinuga

H. REGULATIONS

- H-1.** AMEND Chapter 2 Regulations to include a definition of nonprofit homes for the aged, residential care facilities for the elderly, and other related dwellings.

*Nicolas Traylor
Charles Oshinuga*

I. REPORTS OF OFFICERS/SCHEDULING

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.

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: October 25, 2023

Final Decision Date Deadline: October 25, 2023

STATEMENT OF THE ISSUE: The minutes of the September 20, 2023, 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 September 20, 2023, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-1.

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RICHMOND, CALIFORNIA, September 20, 2023

The Regular Meeting of the Richmond Rent Board was called to order at 5:09 P.M.

PLEDGE TO THE FLAG

ROLL CALL

Board Members Present: Dockens, Espinoza, Vice Chair Guadalupe, and Chair Cantor.

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

Absent: Board Member Hite.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

On a motion of Chair Cantor, seconded by Vice Chair Guadalupe, to move Item G-3 under Rent Board as a Whole for discussion before Item G-1, after Consent Calendar, passed by the following vote: **Ayes:** Board Members Dockens, Espinoza, Vice Chair Guadalupe, and Chair Cantor. **Noes:** None. **Abstentions:** None. **Absent:** Board Member Hite.

PUBLIC FORUM

None.

RENT BOARD CONSENT CALENDAR

On motion from Chair Cantor, seconded by Vice Chair Guadalupe, the item(s) marked with an (*) were approved with Board Member Hite absent.

*F-1. Approve the minutes of the August 16, 2023, Regular Meeting of the Richmond Rent Board.

*F-2. Receive the Fiscal Year 2022-23 Monthly Activity Report through August 2023.

*F-3. Receive the Rent Program FY 2023-24 Monthly Revenue and Expenditure Report through August 2023.

RENT BOARD AS A WHOLE

G-3. The matter to authorize Rent Program staff to participate in discussions and meetings with City staff and stakeholders on potential revisions to Richmond Municipal Code 6.40 Residential Rental Dwelling Unit Inspection and Maintenance, which may include evaluating potential participation in administering certain program provisions, was presented by Lina Velasco, Director of Community Development and Chris Castanchoa, City Building Official. The presentation included the statement of the issue, fiscal impact, the background and discussion, key requirements of the Residential Rental Inspection Program (RRIP), a summary of proposed key revisions, information about the Tenant Habitability Plan, and the recommended action. Discussion ensued. There were no public comments on this item. A motion made by Vice Chair Guadalupe, seconded by Board Member Espinoza to Authorize Rent Program staff to participate in discussions and meetings with City staff and stakeholders on potential revisions to Richmond Municipal Code 6.40 Residential Rental Dwelling Unit Inspection and Maintenance, which may include evaluating potential participation in administering certain program provisions, passed by the following vote: **Ayes:** Board Members Dockens, Espinoza, Vice Chair Guadalupe and Chair Cantor. **Noes:** None. **Abstentions:** None. **Absent:** Board Member Hite.

G-1. The matter of receiving options and staff recommendation(s) for honoring the service of past Board members and direct staff to move forward with the appropriate option(s) that fulfills the goal of recognizing the service of past Board members at a reasonable cost was presented by Executive Director Nicolas Traylor. The presentation included a statement of the issue, the fiscal impact, options 1 and 2, which included a sample proclamation template, other forms of recognition to recognize past Board Members with a plaque/statuette, customized statuettes/plaques, a large perpetual plaque that will include all past Board Members names listed, photos of sample plaques, and perpetual plaques, staff recommendations, and the recommended action. Discussion ensued. There were no public comments on this item. A motion made by Chair Cantor, seconded by Board Member Dockens, to direct staff to return to the Board at their next meeting in October with a proposal to include a draft of a proclamation with illustrations and gold and include specific costing of the perpetual plaques, specifically the Walnut #60, passed by the following vote: **Ayes:** Board Members Dockens, Espinoza, Vice Chair Guadalupe,

and Chair Cantor. **Noes:** None. **Abstentions:** None. **Absent:** Board Member Hite.

G-2. The matter of receiving a report on outreach activities related to publicizing amended Regulation 309 (A) (11) was presented by Executive Director Nicolas Traylor. The presentation included a statement of the issue, information about the fiscal impact, and discussion regarding the outreach activities related to publicizing amended Regulation 309 (A)(11), which included the announcement on the City's Listserv email message blast, Rent Program website, Rent Program social media platforms (Facebook and Instagram), which were announced in English and Spanish, announcement in the City Manager's Weekly Report, and the recommended action. Discussion ensued. There were no public comments on this item. Board Members received the report on outreach activities related to publicizing amended Regulation 309 (A)(11); no formal action was taken.

REPORTS OF OFFICERS/SCHEDULING

General Counsel Charles Oshinuga reported to the Board about the upcoming Special Rent Board Meeting held on Wednesday, October 25, 2023, at 5:00 PM in the City Council Chambers. At this meeting, the Board will hear two Appeal cases.

Board Member Dockens asked Executive Director Nicolas Traylor if he would mention an email, she received regarding the Rent Program sharing Landlord information in the city's database. Mr. Traylor began to respond, but General Counsel Charles Oshinuga reminded the Board and staff that before responding to those questions, it must be within the parameters of the agenda item about Reports and Scheduling to avoid violating the Brown Act. If the topic of discussion is different, it will need to be agenda item.

Deputy Director Fred Tran reported on the upcoming workshop scheduled on Friday, September 29th, titled "How to Ensure Your Rental Property is in Compliance with the Richmond Rent Ordinance."

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:24P.M.

Cynthia Shaw
Staff Clerk

(SEAL)

Approved:

Rent Board Chair

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: October 25, 2023

Final Decision Date Deadline: October 25, 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

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

RECOMMENDED ACTION: RECEIVE the Fiscal Year 2023-24 Monthly Activity Report through September 2023 - Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-2.

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**Rent Program
FY2023-24 Monthly Activity Report**

ITEM F-2

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
		Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	
		MTD ACTUAL	YTD TOTAL											
3 Public Information & Enrollment Unit														
5 Rent/Eviction Counseling Appointments By Phone		122	181	172	-	-	-	-	-	-	-	-	-	475
6 Rent/Eviction Counseling Appointments By Walk-ins		35	43	53	-	-	-	-	-	-	-	-	-	131
7 Rent/Eviction Counseling Questions Addressed By Email		102	132	347	-	-	-	-	-	-	-	-	-	581
8 TOTAL RENT/EVICTION COUNSELING APPOINTMENTS		259	356	572	-	-	-	-	-	-	-	-	-	1,187
9 Rent/Eviction Counseling Sessions Conducted in Spanish		27	34	32	-	-	-	-	-	-	-	-	-	93
10 Rent/Eviction Counseling Sessions Conducted in Mandarin		-	-	-	-	-	-	-	-	-	-	-	-	-
11 Rent/Eviction Counseling Sessions Conducted in Cantonese		-	-	-	-	-	-	-	-	-	-	-	-	-
12 Rent/Eviction Counseling Sessions Conducted in Another Language		-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL RENT/EVICTION COUNSELING APPOINTMENTS IN A LANGUAGE OTHER THAN ENGLISH		21	34	32	-	-	-	-	-	-	-	-	-	87
14 Legal Service Referrals		12	12	9	-	-	-	-	-	-	-	-	-	33
17 Mediations Conducted		4	14	2	-	-	-	-	-	-	-	-	-	20
18 Assists from Front Office Staff		51	7	18	-	-	-	-	-	-	-	-	-	76
19 Courtesy Compliance Letters Sent		38	3	6	-	-	-	-	-	-	-	-	-	47
20 Community Workshop Attendees		-	-	-	-	-	-	-	-	-	-	-	-	-
21 Hard Copy Rent Increase Notices Processed		8	-	5	-	-	-	-	-	-	-	-	-	13
22 Hard Copy Termination of Tenancy Notices Processed		1	-	21	-	-	-	-	-	-	-	-	-	22
24		9	-	26	-	-	-	-	-	-	-	-	-	35
25 Billing/Enrollment/Registration Counseling Appointments In-Person		4	13	13	-	-	-	-	-	-	-	-	-	30
26 Billing/Enrollment/Registration Counseling Appointments By Phone		20	53	50	-	-	-	-	-	-	-	-	-	123
27 Billing/Enrollment/Registration Counseling Questions Addressed By Email		23	28	157	-	-	-	-	-	-	-	-	-	208
28 TOTAL BILLING/ENROLLMENT/REGISTRATION COUNSELING APPOINTMENTS		43	81	207	-	-	-	-	-	-	-	-	-	331
29 Enrollment/Tenancy Registration Packets Mailed		5	6	-	-	-	-	-	-	-	-	-	-	11
30 Enrollment Forms Processed		12	49	10	-	-	-	-	-	-	-	-	-	71
31 Rental Housing Fee Invoices Generated		30	7,832	1	-	-	-	-	-	-	-	-	-	7,863
32 Checks Processed		3	113	156	-	-	-	-	-	-	-	-	-	272
33 Checks Returned		2	1	-	-	-	-	-	-	-	-	-	-	3
34 Tenancy Registrations Received		11	51	19	-	-	-	-	-	-	-	-	-	81
35 Rental Units Discovered Not in Database		8	6	5	-	-	-	-	-	-	-	-	-	19
36 Property Information Updated		5	9	5	-	-	-	-	-	-	-	-	-	19
37 Compliance Actions (Reviewing Records, Exemption Statuses, Addresses)		74	16	119	-	-	-	-	-	-	-	-	-	209
38 Applications for Administrative Determination of Exempt/Inapplicable Status Received		5	2	11	-	-	-	-	-	-	-	-	-	18
39 Administrative Determination of Exempt/Inapplicable Status Issued		2	-	2	-	-	-	-	-	-	-	-	-	4
40 Declarations of Exemption Processed		-	-	1	-	-	-	-	-	-	-	-	-	1
41 LEGAL UNIT														
42 Public Records Act Requests Received		-	4	3	-	-	-	-	-	-	-	-	-	7
43 Owner Move-In Eviction Termination of Tenancy Notices Reviewed		2	-	4	-	-	-	-	-	-	-	-	-	6
44 Withdrawal from the Rental Market (Ellis Act) Termination of Tenancy Notices Reviewed		-	-	-	-	-	-	-	-	-	-	-	-	-
45 Substantial Repairs Termination of Tenancy Notices Reviewed		-	-	-	-	-	-	-	-	-	-	-	-	-
46 Appeal Hearings Held		-	-	-	-	-	-	-	-	-	-	-	-	-
47 HEARINGS UNIT														
50 Consultations with Hearings Unit Coordinator By Phone		10	4	6	-	-	-	-	-	-	-	-	-	20
51 Hearings-Related Questions Addressed by Email		20	27	30	-	-	-	-	-	-	-	-	-	77
52 TOTAL HEARINGS-RELATED CONSULTATIONS		30	31	36	-	-	-	-	-	-	-	-	-	97
53 MNOI Petitions Received (Attachment A)		-	-	1	-	-	-	-	-	-	-	-	-	1
54 Increased in Occupants Petitions Received (Attachment B)		-	1	-	-	-	-	-	-	-	-	-	-	1
55 Increase in Space or Services Petitions Received (Attachment C)		-	-	-	-	-	-	-	-	-	-	-	-	-
56 Restoration of Denied AGA Petitions Received (Attachment D)		-	-	-	-	-	-	-	-	-	-	-	-	-
57 Landlord Individual Rent Adjustment Petitions Received		-	-	1	-	-	-	-	-	-	-	-	-	1
58 Landlord Petition to Determine Exempt Status Received		-	-	-	-	-	-	-	-	-	-	-	-	-
59 TOTAL LANDLORD PETITIONS RECEIVED		-	1	2	-	-	-	-	-	-	-	-	-	3
60 Excess Rent or Failure to Return Sec Dep Petitions Received (Attachment A)		1	-	4	-	-	-	-	-	-	-	-	-	5
61 Decrease in Space/Services or Habitability Petitions Received (Attachment B)		-	-	3	-	-	-	-	-	-	-	-	-	3
62 Reduction in Number of Tenants Petitions Received (Attachment C)		-	-	-	-	-	-	-	-	-	-	-	-	-
63 Tenant Petition Based on Multiple Grounds		1	-	5	-	-	-	-	-	-	-	-	-	6
64 Tenant Petition for Rent Withholding Petitions Received		-	-	-	-	-	-	-	-	-	-	-	-	-
65 Tenant Petition for Failure to Pay Relocation Payment Petitions Received		-	1	1	-	-	-	-	-	-	-	-	-	2
66 TOTAL TENANT PETITIONS RECEIVED		2	1	13	-	-	-	-	-	-	-	-	-	16
67 Petition for Determination of Occupancy Status		-	-	-	-	-	-	-	-	-	-	-	-	-

**Rent Program
FY2023-24 Monthly Activity Report**

ITEM F-2

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
1		Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	
2		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	-	-	-	-	-	-	-	-	-	-	-	-	-
71	Subpoena(s)	-	-	-	-	-	-	-	-	-	-	-	-	-
72	TOTAL OTHER PETITIONS RECEIVED	-	-	-	-	-	-	-	-	-	-	-	-	-
73	Decisions Ordered	2	1	-	-	-	-	-	-	-	-	-	-	3
74	Cases Settled	3	2	3	-	-	-	-	-	-	-	-	-	8
75	Cases Dismissed	1	-	1	-	-	-	-	-	-	-	-	-	2
76	Petitions Withdrawn	-	-	-	-	-	-	-	-	-	-	-	-	-
77	TOTAL CASES CLOSED	6	3	4	-	-	-	-	-	-	-	-	-	13
78	Appeals Received	1	-	1	-	-	-	-	-	-	-	-	-	2
79	Total Open Cases (Tenant Petitions)	9	10	10	-	-	-	-	-	-	-	-	-	29
80	Total Open Cases (Landlord Petitions)	2	3	2	-	-	-	-	-	-	-	-	-	7
81	Total Open Cases (Other Petitions)	2	-	3	-	-	-	-	-	-	-	-	-	5
82	TOTAL OPEN CASES	13	13	15	-	-	-	-	-	-	-	-	-	41
83	Form Submissions													
84	Agent Authorization	-	-	-	-	-	-	-	-	-	-	-	-	-
85	Proof of Excess Rent Refund	-	-	-	-	-	-	-	-	-	-	-	-	-
86	Proof of Permanent Relocation Payment	-	-	-	-	-	-	-	-	-	-	-	-	-
87	Proof of Temporary Relocation Payment	-	-	-	-	-	-	-	-	-	-	-	-	-
88	Change in Terms of Tenancy	9	-	-	-	-	-	-	-	-	-	-	-	9
89	TOTAL RENT INCREASE NOTICES FILED	95												95
90	Termination of Tenancy - Nonpayment of Rent	21	100	61	-	-	-	-	-	-	-	-	-	182
91	Termination of Tenancy - Breach of Lease	1	12	6	-	-	-	-	-	-	-	-	-	19
92	Termination of Tenancy - Failure to Give Access	-	-	-	-	-	-	-	-	-	-	-	-	-
93	Termination of Tenancy - Nuisance	-	4	1	-	-	-	-	-	-	-	-	-	5
94	Termination of Tenancy - Withdrawal from the Rental Market	-	-	-	-	-	-	-	-	-	-	-	-	-
95	Termination of Tenancy - Owner Move-In	3	1	4	-	-	-	-	-	-	-	-	-	8
96	Termination of Tenancy - Substantial Repairs	-	-	-	-	-	-	-	-	-	-	-	-	-
97	Termination of Tenancy - Temporary Tenancy	-	1	-	-	-	-	-	-	-	-	-	-	1
98	TOTAL TERMINATION OF TENANCY NOTICES FILED	25	118	72	-	-	-	-	-	-	-	-	-	215

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: October 25, 2023

Final Decision Date Deadline: October 25, 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

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

RECOMMENDED ACTION: RECEIVE the Rent Program FY 2023-24 Monthly Revenue and Expenditure Report through September 2023 – 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 2023-24

ITEM F-3

OBJECT	ORIGINAL BUDGET	ADOPTED BUDGET	Period 1	Period 2	Period 3	ENCUMBRANCES	YTD TOTAL	AVAILABLE BUDGET	% USED
			July	August	September				
340045 Rental Housing Fees	(2,914,945.00)	(2,914,945.00)	(17,585.50)	(787,875.98)	(919,573.50)	-	(1,725,034.98)	(1,189,910.02)	59.2%
TOTAL LICENSES, PRMITS&FEES	(2,914,945.00)	(2,914,945.00)	(17,585.50)	(787,875.98)	(919,573.50)	-	(1,725,034.98)	(1,189,910.02)	59.2%
361701 Interest	(20,000.00)	(20,000.00)	-	-	-	-	-	(20,000.00)	0.0%
361705 Realized Gain	-	-	-	-	-	-	-	-	0.0%
TOTAL INTEREST & REALIZED INCOME	(20,000.00)	(20,000.00)	-	-	-	-	-	(20,000.00)	0.0%
364855 OTHER REV/Misc Other Re	-	-	-	-	-	-	-	-	0.0%
364867 Revenue from Collections Agency	(50,000.00)	(50,000.00)	-	-	-	-	-	(50,000.00)	0.0%
337373 Other Grants	-	-	-	-	-	-	-	-	0.0%
TOTAL OTHER REVENUE	(50,000.00)	(50,000.00)	-	-	-	-	-	(50,000.00)	0.0%
TOTAL REVENUE	(2,984,945.00)	(2,984,945.00)	(17,585.50)	(787,875.98)	(919,573.50)	-	(1,725,034.98)	(1,259,910.02)	57.8%
400001 SALARIES & WAGES/Executive	765,357.00	765,357.00	65,519.38	65,521.38	65,523.38	-	196,564.14	568,792.86	25.7%
400002 SALARIES & WAGES/Mgmt-Local 21	353,101.00	353,101.00	29,114.00	29,749.00	29,749.00	-	88,612.00	264,489.00	25.1%
400003 SALARIES & WAGES/Local 1021	268,646.00	268,646.00	18,678.44	18,678.44	18,678.44	-	56,035.32	212,610.68	20.9%
400006 SALARIES & WAGES/PT- Temp	37,565.00	37,565.00	1,246.21	3,146.24	2,040.90	-	6,433.35	31,131.65	17.1%
400031 OVERTIME/General	2,500.00	2,500.00	284.60	-	-	-	284.60	2,215.40	11.4%
400048 OTHER PAY/Bilingual Pay	11,470.00	11,470.00	968.02	928.26	928.26	-	2,824.54	8,645.46	24.6%
400049 OTHER PAY/Auto Allowance	4,200.00	4,200.00	350.00	350.00	350.00	-	1,050.00	3,150.00	25.0%
400053 OTHER PAY/Pension Credi	-	-	1,333.05	1,331.58	1,331.62	-	3,996.25	(3,996.25)	100.0%
TOTAL SALARIES AND WAGES	1,442,839.00	1,442,839.00	117,493.70	119,704.90	118,601.60	-	355,800.20	1,087,038.80	24.7%
400103 P-ROLL BEN/Medicare Tax-ER Shr	19,710.00	19,710.00	1,694.62	1,721.51	1,705.50	-	5,121.63	14,588.37	26.0%
400105 P-ROLL BEN/Health Insurance Be	249,327.00	249,327.00	20,777.22	20,777.22	20,777.22	-	62,331.66	186,995.34	25.0%
400106 P-ROLL BEN/Dental Insurance	16,644.00	16,644.00	1,387.32	1,387.32	1,387.32	-	4,161.96	12,482.04	25.0%
400109 P-ROLL BEN/Employee Assistance	216.00	216.00	18.36	18.36	18.36	-	55.08	160.92	25.5%
400110 P-ROLL BEN/Professional Dev-Mg	6,750.00	6,750.00	250.00	-	-	-	250.00	6,500.00	3.7%
400111 P-ROLL BEN/Vision	1,992.00	1,992.00	166.44	166.44	166.44	-	499.32	1,492.68	25.1%
400112 P-ROLL BEN/Life Insurance	3,931.00	3,931.00	327.53	327.53	327.53	-	982.59	2,948.41	25.0%
400114 P-ROLL BEN/Long Term Disabilit	11,803.00	11,803.00	593.06	599.32	599.53	-	1,791.91	10,011.09	15.2%
400116 P-ROLL BEN/Unemployment Ins	5,472.00	5,472.00	494.00	532.00	532.00	-	1,558.00	3,914.00	28.5%
400117 P-ROLL BEN/Personal/Prof Dev	2,250.00	2,250.00	108.32	-	-	-	108.32	2,141.68	4.8%
400121 P-ROLL BEN/Worker Comp-Clerica	6,923.00	6,923.00	1,242.56	755.50	728.84	-	2,726.90	4,196.10	39.4%
400122 P-ROLL BEN/Worker Comp-Prof	101,330.00	101,330.00	6,397.46	8,581.22	8,581.22	-	23,559.90	77,770.10	23.3%
400127 P-ROLL BEN/OPEB	20,956.00	20,956.00	2,574.30	1,780.24	1,780.24	-	6,134.78	14,821.22	29.3%
400130 P-ROLL BEN/PARS Benefits	-	-	16.20	40.90	26.54	-	83.64	(83.64)	100.0%
400149 P-ROLL BEN/PERS-Misc	186,975.00	186,975.00	15,124.94	15,956.41	15,956.68	-	47,038.03	139,936.97	25.2%
400151 P-ROLL BEN/PERS-Misc (UAL)	234,120.00	234,120.00	23,838.12	19,509.60	19,509.60	-	62,857.32	171,262.68	26.8%
TOTAL FRINGE BENEFITS	868,399.00	868,399.00	75,010.45	72,153.57	72,097.02	-	219,261.04	649,137.96	25.2%
400201 PROF SVCS/Professional Svcs	263,400.00	270,050.00	-	252.57	-	21,974.86	1,675.14	246,400.00	8.8%
400206 PROF SVCS/Legal Serv Cost	275,000.00	275,000.00	-	16,666.00	16,666.00	166,668.00	33,332.00	75,000.00	72.7%
400245 TRAVEL & TRNG/Tuition Rmb/Cer	800.00	800.00	-	-	-	-	-	800.00	0.0%
400261 DUES & PUB/Memberships & Dues	1,650.00	1,650.00	-	-	-	-	-	1,650.00	0.0%
400271 AD & PROMO/Advertising&Promo	800.00	800.00	-	-	-	-	-	800.00	0.0%
400280 ADM EXP/Program Supplies	5,808.00	5,808.00	-	491.07	-	-	491.07	5,316.93	8.5%
TOTAL PROF & ADMIN SERVICES	547,458.00	554,108.00	-	17,409.64	18,088.57	188,642.86	35,498.21	329,966.93	40.5%
400231 OFF EXP/Postage & Mailing	-	-	206.55	-	-	-	206.55	(206.55)	0.0%
400232 OFF EXP/Printing & Binding	15,425.00	15,425.00	2,967.65	-	-	-	2,967.65	12,457.35	19.2%
400233 OFF EXP/Copying & Duplicating	-	-	-	-	-	-	-	-	0.0%
400304 RENTAL EXP/Equipment Rental	9,000.00	9,000.00	-	186.58	-	6,052.38	186.58	2,761.04	69.3%
400321 MISC EXP/Misc Contrib	2,000.00	2,000.00	-	-	-	-	-	2,000.00	0.0%
400322 MISC EXP/Misc Exp	2,000.00	1,600.00	-	337.43	-	-	337.43	1,262.57	21.1%
400341 OFF SUPP/Office Supplies	5,000.00	5,000.00	-	1,611.89	-	-	1,611.89	3,388.11	32.2%
TOTAL OTHER OPERATING	33,425.00	33,025.00	3,174.20	2,135.90	-	6,052.38	5,310.10	21,662.52	34.4%
400401 UTILITIES/Tel & Telegraph	500.00	500.00	-	-	-	-	-	500.00	0.0%
TOTAL UTILITIES	500.00	500.00	-	-	-	-	-	500.00	0.0%
400538 CONTRACT SVCS/Oth Cntrc	-	400.00	-	-	28.11	31.89	28.11	340.00	15.0%
400552 PROV FR INS LOSS/Ins Gen Liab	9,300.00	9,300.00	-	-	-	8,085.00	-	1,215.00	86.9%
TOTAL PROVISION FOR INS LOSS	9,300.00	9,300.00	-	-	-	8,085.00	-	1,215.00	86.9%
400574 COST POOL/(ISF)-Gen Liability	217,744.00	217,744.00	-	-	54,439.00	-	54,439.00	163,305.00	25.0%
400586 COST POOL/(CAP)- Admin Charges	52,481.00	52,481.00	-	-	13,124.00	-	13,124.00	39,357.00	25.0%
400591 COST POOL/(IND)Civic Ctr Alloc	60,248.00	60,248.00	-	-	15,059.00	-	15,059.00	45,189.00	25.0%
TOTAL COST POOL	330,473.00	330,473.00	-	-	82,622.00	-	82,622.00	247,851.00	25.0%
400601 NONCAP ASST/Comp Hrdware<SK	3,000.00	3,000.00	-	-	-	-	-	3,000.00	0.0%
TOTAL ASSET/CAPITAL OUTLAY	3,000.00	3,000.00	-	-	-	-	-	3,000.00	0.0%
391994 391994 TRANSFER IN/From Gen Fund	(150,000.00)	(150,000.00)	(12,500.00)	-	(25,000.00)	-	(37,500.00)	(112,500.00)	25.0%
90 OPER XFERS IN	(150,000.00)	(150,000.00)	(12,500.00)	-	(25,000.00)	-	(37,500.00)	(112,500.00)	25.0%
TOTAL EXPENDITURES	3,235,394.00	3,242,044.00	195,678.35	211,404.01	291,437.30	202,812.13	698,519.66	2,340,712.21	27.8%
NET OPERATING (SURPLUS)/DEFICIT	100,449.00	107,099.00	165,592.85	(576,471.97)	(653,136.20)	202,812.13	(1,064,015.32)	968,302.19	-804.1%
CASH BALANCE			1,111,439.76	1,720,174.18	2,371,046.02				

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: October 25, 2023

Final Decision Date Deadline: October 25, 2023

STATEMENT OF THE ISSUE: As part of the Fiscal Year 2021-22 budget development process, management staff consulted with Kevin Harper, CPA, to implement a series of budgetary best practices for the Rent Program and Rent Board. As Kevin Harper advised in his March 12, 2020, memorandum, "a key element of an effective budget process is monitoring actual results against the budget throughout the year. This is done on a quarterly basis to allow management time to make adjustments if necessary to expenditures, policies or operations." In accordance with Kevin Harper's advice, staff members have prepared the report for the first quarter ending September 30, 2023, 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

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

RECOMMENDED ACTION: RECEIVE the Budgeted versus Actual Revenue and Expenditures Report for the first quarter ending September 30, 2023 – 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 SEPTEMBER 30, 2023

	QUARTER ENDED 9/30/2023			YEAR-TO-DATE 6/30/2024			VARIANCE EXPLANATION (a)
	BUDGET	ACTUAL	VARIANCE	BUDGET	ACTUAL	VARIANCE	
REVENUES							
Fees (includes revenue from collections agency)	\$ (1,953,054)	\$ (1,725,035)	\$ 228,019	\$ (1,953,054)	\$ (1,725,035)	\$ 228,019	
Other Income	(17,500)	-	17,500	(17,500)	-	17,500	Finance Department has not booked interest income earned for cash balance
TOTAL REVENUES	(1,970,554)	(1,725,035)	245,519	(1,970,554)	(1,725,035)	245,519	
EXPENDITURES							
Salaries & Wages							
SALARIES & WAGES/Executive	191,339	196,564	(5,225)	191,339	196,564	(5,225)	
SALARIES & WAGES/Mgmt.-Local 21	88,275	88,612	(337)	88,275	88,612	(337)	
SALARIES & WAGES/Local 1021	67,162	56,035	11,126	67,162	56,035	11,126	
SALARIES & WAGES/PT- Temp	9,391	6,433	2,958	9,391	6,433	2,958	2 Interns had left the Program, new hire began at a later date
OVERTIME/General	625	285	340	625	285	340	Less overtime was needed in August and September for invoicing
OTHER PAY/Bilingual Pay	2,868	2,825	43	2,868	2,825	43	
OTHER PAY/Auto Allowance	1,050	1,050	-	1,050	1,050	-	
OTHER PAY/Medical- in Lieu of	-	3,996	(3,996)	-	3,996	(3,996)	Medical-in Lieu of was not budgeted for FY 2023-24
OTHER PAY/Bonuses	-	-	-	-	-	-	
Subtotal Salaries & Wages	360,710	355,800	4,910	360,710	355,800	4,910	
Benefits							
P-ROLL BEN/Medicare Tax-ER Shr	4,928	5,122	(194)	4,928	5,122	(194)	
P-ROLL BEN/Health Insurance Benefit	62,332	62,332	0	62,332	62,332	0	
P-ROLL BEN/Dental Insurance	4,161	4,162	(1)	4,161	4,162	(1)	
P-ROLL BEN/Employee Assistance	54	55	(1)	54	55	(1)	
P-ROLL BEN/Professional Dev-Mg	1,688	250	1,438	1,688	250	1,438	To date, Staff has utilized professional development allocated for the fiscal year
P-ROLL BEN/Vision	498	499	(1)	498	499	(1)	
P-ROLL BEN/Life Insurance	983	983	0	983	983	0	
P-ROLL BEN/Long Term Disability	2,951	1,792	1,159	2,951	1,792	1,159	Less LTD Insurance paid due to date and budgeted by Finance
P-ROLL BEN/Unemployment Ins	1,368	1,558	(190)	1,368	1,558	(190)	
P-ROLL BEN/Personal/Prof Dev	563	108	454	563	108	454	To date, Staff has utilized less professional development
P-ROLL BEN/Worker Comp-Clerical	1,731	2,727	(996)	1,731	2,727	(996)	Risk Management increased cost of Workers Compensation - Program has inquired explanation
P-ROLL BEN/Worker Comp-Prof	25,333	23,560	1,773	25,333	23,560	1,773	
P-ROLL BEN/OPEB	5,239	6,135	(896)	5,239	6,135	(896)	
P-ROLL BEN/PARS Benefits	-	84	(84)	-	84	(84)	PARS charge was not originally budgeted
P-ROLL BEN/PERS-Misc.	46,744	47,038	(294)	46,744	47,038	(294)	
P-ROLL BEN/PERS-Misc. (UAL)	58,530	62,857	(4,327)	58,530	62,857	(4,327)	
Subtotal Benefits	217,100	219,261	(2,161)	217,100	219,261	(2,161)	
Professional & Administrative Services							
PROF SVCS/Professional Svcs	67,513	1,675	65,837	67,513	1,675	65,837	Professional Service line item requires Finance to update budgeted amount in Munis
PROF SVCS/Legal Serv Cost	68,750	33,332	35,418	68,750	33,332	35,418	Legal Service Cost have been encumbered, not yet charged to Program
Travel & Trng/Tuition Rmb/Cert	200	-	200	200	-	200	Staff did not utilize training expenditure in current quarter
Travel & Trng/Registration Fee	413	-	413	413	-	413	Staff did not utilize training expenditure in current quarter
Ad & Promo/Advertising & Promo Materials	200	-	200	200	-	200	No utilization of Ads and promotion paid in current quarter
Adm Exp/Program Supplies	1,452	491	961	1,452	491	961	
Subtotal Professional, Travel, & Admin Services	138,527	35,498	103,029	138,527	35,498	103,029	
Other Operating Expenditures							
OFF EXP/Postage & Mailing	-	207	(207)	-	207	(207)	Postage and Mailing line item requires Finance to update budgeted amount in Munis
OFF EXP/Printing & Binding	3,856	2,968	889	3,856	2,968	889	
OFF EXP/Copying & Duplicating	-	-	-	-	-	-	
RENTAL EXP/Equipment Rental	2,250	187	2,063	2,250	187	2,063	Mailing project for pamphlets have not began in the current quarter
MISC EXP/Misc. Contrib	500	-	500	500	-	500	No Misc. Contribution used in current quarter
MISC EXP/Misc. Exp	400	337	63	400	337	63	
OFF SUPP/Office Supplies	1,250	1,612	(362)	1,250	1,612	(362)	Increase in current quarter due to invoices being mailed
UTILITIES/Tel & Telegraph	125	-	125	125	-	125	Expenditures for line item have not been utilized in current quarter
CONTRACT SVCS/Oth Cntrc	100	28	72	100	28	72	Expenditures for line item have not been utilized in current quarter
PROV FR INS LOSS/Ins Gen Liab	2,325	-	2,325	2,325	-	2,325	Insurance premium is not due until 2nd quarter
COST POOL(ISF)-Gen Liability	54,436	54,439	(3)	54,436	54,439	(3)	
COST POOL(CAP)- Admin Charges	13,120	13,124	(4)	13,120	13,124	(4)	
COST POOL(IND)Civic Ctr Alloc	15,062	15,059	3	15,062	15,059	3	
NONCAP ASST/Comp Hrdware<5K	750	-	750	750	-	750	
90 OPER XFRS IN	(37,500)	(37,500)	-	(37,500)	(37,500)	-	
Subtotal Other Operating Expenditures	56,675	50,460	6,214	56,675	50,460	6,214	
TOTAL EXPENDITURES	773,011	661,020	111,991	773,011	661,020	111,991	
EXCESS OF (REVENUES) OVER EXPENDITURES	\$ (1,197,543)	\$ (1,064,015)	\$ (133,527)	\$ (1,197,543)	\$ (1,064,015)	\$ (133,527)	

(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: October 25, 2023

Final Decision Date Deadline: October 25, 2023

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 October 2023, are the compiled late fee waiver requests and associated documentation.

INDICATE APPROPRIATE BODY

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

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

RECOMMENDED ACTION: APPROVE late fee waiver(s) for October 2023 pursuant to Regulation 425 - Rent Program (Fred Tran/510-620-6537).

AGENDA ITEM NO:

F-5.

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ITEM F-5

Late Fee Waiver Summary – October 2023 Special Board Meeting

	Property Street	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)
1	709 Banks Dr, 2403 Maricopa Ave & 2366 McBryde Ave	Maria & Javier Barba	October 31, 2022	Other, never received the invoice	Full waiver of late fees	\$411.60	\$411.60	None
2	115 6 TH St	Aye Aye Myint and Carlos Magana	January 12, 2023	New Owner, did not receive invoice	Full waiver of late fees	\$2,002.00	\$2,002.00	None
3	2200 Gaynor Ave	Mario Corral	January 27, 2023	New Owner, did not receive invoice	Full waiver of late fees	\$187.00	\$187.00	None

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To: Members of the Richmond Rent Board

From: Fred Tran, Deputy Director

Re: Late Fee Waiver Recommendation – 709 Banks Drive, 2403 Maricopa Avenue
2366 McBryde Avenue

Date: October 25, 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 October 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)
Maria and Javier Barba	October 31, 2022	Other, Owner did not receive Invoice	Full waiver of late fees	\$411.60	\$411.60	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 deciding of whether there exists Good Cause to grant the request. Finally, Regulation 425 establishes that a Rent Program billing error would always constitute Good Cause to waive the late fee assessment.

Claim of “Good Cause”

In the request dated October 31, 2022, (Attachment 1) Maria and Javier Barba the property owners of 709 Banks Drive, 2403 Maricopa Avenue, and 2366 McBryde Avenue indicated that they did not receive the Rental Housing Fee invoices. In September 2022 the owners contacted the City of Richmond to update their contact information. Rent Program staff informed them of the outstanding invoice and also confirmed that all properties have been enrolled since June 2019.

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 425 (D) and (E), provide the factors required when making a determining of good cause.

In this case, the owners have not previously submitted a Late Fee Waiver request.

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 Maria and Javier Barba paid the base Residential Rental Housing Fees for Fiscal Years 2021-2022, 2022-2023, and 2023-2024 on September 26, 2023.

Rent Program staff verified with Contra Costa County records that 709 Banks Drive, 2403 Maricopa Avenue, and 2366 McBryde Avenue are designated as a Single-Family Dwelling built in 1950, 1948, and 1943 respectively.

Maria and Javier Barba have demonstrated Good Cause that warrants a waiver of late fees with a timely payment when they receive the invoices. Maria and Javier Barba paid the balance immediately once informed of the outstanding amount.

Staff Recommendation

Maria and Javier Barba have demonstrated good faith efforts to come into compliance by contacting the Rent Program to inquire about the invoice, paying the Residential Rental Housing Fees when the invoices were provided, and enrolling with the Program. Considering these factors, staff recommend that a full waiver of late fees in the amount of \$411.60 be granted.

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Request to Remove Late Fees

Property Owner Name: Maria & Javier Barba

FRJC #: [REDACTED]

Property Owner Phone Number or Email: [REDACTED]

The Property Owner has requested the removal of late fees on their account totaling \$ 411.60
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: Landlord never received invoice notification via mail (and/or email)

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: Maria E Barba Date: 10 / 31 / 2022

Printed Name: Maria E Barba

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 – 115 6TH Street

Date: October 25, 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 October 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)
Aye Aye Myint and Carlos Magana	January 12, 2023	New Owner, did not receive Invoice	Full waiver of late fees	\$2,002.00	\$2,002.00	None

Good Cause and Late Payment History

Regulation 425 requires a showing of Good Cause prior to waiving any late fee assessment. Good Cause is defined as the taking of reasonable efforts, while acting with due diligence to remit timely payment of the Residential Rental Housing Fee. In other words, it is an evaluation of whether the Landlord took reasonable efforts and acted with due diligence in their attempt to pay the Residential Rental Housing Fee. Regulation 425 guides this inquiry by requiring the Executive Director evaluate applicable enumerated factors (Attachment 1) prior to deciding of whether there exists 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 January 12, 2023, (Attachment 1) Aye Aye Myint and Carlos Magana are the property owners of 115 6TH Street indicated that they did not receive the Rental Housing Fee invoice. In November 2022 the owners contacted the City of Richmond to update their contact information since they purchased the property in January 2022 and were not aware of the Rent Program. Rent Program staff informed the owners of the requirements and confirmed that the property was properly enrolled in January 2023.

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 425 (D) and (E), provide the factors required when making a determining of good cause.

In this case, the owners have not previously submitted a Late Fee Waiver request and purchased the property in January 2022.

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 Aye Aye Myint and Carlos Magana paid the base Residential Rental Housing Fees for Fiscal Years 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022, and 2022-2023 on January 25, 2023.

Rent Program staff verified with Contra Costa County records that 115 6TH Street is designated as Fourplex built in 1922.

Aye Aye Myint and Carlos Magana have demonstrated Good Cause that warrants a waiver of late fees with a timely payment when they receive the invoice. Aye Aye Myint and Carlos Magana paid the balance once informed of the outstanding amount.

Staff Recommendation

Aye Aye Myint and Carlos Magana have demonstrated good faith effort to comply with the requirements by contacting the Rent Program to inquire about the invoice, paying the Rental Housing Fees when the invoice was received, and enrolling with the Rent Program. Considering these factors, staff recommend that a full waiver of late fees in the amount of \$2,002.00 be granted.

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Request to Remove Late Fees

Property Owner Name: Aye Aye Myint & Carlos Magana

FRJC #: [REDACTED]

Property Owner Phone Number or Email: [REDACTED]

The Property Owner has requested the removal of late fees on their account totaling \$2,002.00 for the following reason:

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

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: 01 / 12 / 2023

Printed Name: Aye Aye Myint & Carlos Magana

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 – 2200 Gaynor Ave.

Date: October 25, 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 October 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)
Mario Corral	January 27, 2023	Other, Owner did not receive Invoice	Full waiver of late fees	\$187.00	\$187.00	None

Good Cause and Late Payment History

Regulation 425 requires a showing of Good Cause prior to waiving any late fee assessment. Good Cause is defined as the taking of reasonable efforts, while acting with due diligence to remit timely payment of the Residential Rental Housing Fee. In other words, it is an evaluation of whether the Landlord took reasonable efforts and acted with due diligence in their attempt to pay the Residential Rental Housing Fee. Regulation 425 guides this inquiry by requiring the Executive Director evaluate applicable enumerated factors (Attachment 1) prior to deciding of whether there exists 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 January 27, 2023, (Attachment 1) Mario Corral, the property owner of 2200 Gaynor Ave. indicated that he did not receive the Rental Housing Fee invoice. In January 2023 the owners contacted the City of Richmond regarding his invoice. Rent Program staff informed him of the outstanding invoice and confirmed that the property has been enrolled since February 2019.

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 425 (D) and (E), provide the factors required when making a determining of good cause.

In this case, the owners have not previously submitted a Late Fee Waiver request.

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 Mario Corral paid the base Residential Rental Housing Fees for Fiscal Years 2020-2021, 2021-2022, and 2022-2023 in January 2023.

Rent Program staff verified with Contra Costa County records that designated 2200 Gaynor Ave. as Single-Family Dwelling built in 1921.

Mario Corral has demonstrated Good Cause that warrants a waiver of late fees with a timely payment when the invoice upon his receipt. Mario Corral paid the balance immediately once informed of the outstanding amount.

Staff Recommendation

Mario Corral has demonstrated good faith efforts to come into compliance by contacting the Rent Program to inquire about the invoice, paying the Rental Housing Fees when the invoice was received, and enrolling with the Program. Considering these factors, staff recommend that a full waiver of late fees in the amount of \$187.00 be granted.

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Request to Remove Late Fees

Property Owner Name: Mario Corral

FRJC #: [REDACTED]

Property Owner Phone Number or Email: [REDACTED]

The Property Owner has requested the removal of late fees on their account totaling \$ 187.00 for the following reason:

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

Declaration & Signature:

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

Signature of Landlord/Property Manager: Mario M. Corral Date: 01/27/2023

Printed Name: MARIO M. CORRAL

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: October 25, 2023

Final Decision Date Deadline: October 25, 2023

STATEMENT OF THE ISSUE: Chapter 2 of the Rent Board Regulation permits owners of Rental Units are permitted to seek a determination of exemption from the Rent Ordinance. In years past, some owners have sought exemption from the Rent Ordinance under the theory that they were nonprofit homes for the aged. Rent Program staff have consistently interpreted this phrase to mean those owners who operate a licensed residential care facility for the elderly. Staff members are proposing an amendment to Chapter 2 of the Rent Board's regulations to codify its historical interpretation of the phrase "nonprofit homes for the aged", to give both owners and staff members more guidance when applying and evaluating claims exemption or inapplicability from the Rent Ordinance.

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 checked="" type="checkbox"/> Regulation | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Contract/Agreement | <input type="checkbox"/> Rent Board As Whole | |
| <input type="checkbox"/> Grant Application/Acceptance | <input type="checkbox"/> Claims Filed Against City of Richmond | |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Video/PowerPoint Presentation (contact KCRT @ 620.6759) | |

RECOMMENDED ACTION: AMEND Chapter 2 Regulations to include a definition of nonprofit homes for the aged, residential care facilities for the elderly, and other related dwellings. – Rent Program (Nicolas Traylor/Charles Oshinuga 620-6564).

AGENDA ITEM NO:

H-1.

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AGENDA REPORT

DATE: October 25, 2023

TO: Chair Cantor and Members of the Rent Board

FROM: Nicolas Traylor, Executive Director
Charles Oshinuga, General Counsel

SUBJECT: REVISED CHAPTER 2 RENT BOARD REGULATIONS

STATEMENT OF THE ISSUE:

Chapter 2 of the Rent Board Regulation permits owners of Rental Units are permitted to seek a determination of exemption from the Rent Ordinance. In years past, some owners have sought exemption from the Rent Ordinance under the theory that they were nonprofit homes for the aged. Rent Program staff have consistently interpreted this phrase to mean those owners who operate a licensed residential care facility for the elderly. Staff members are proposing an amendment to Chapter 2 of the Rent Board's regulations to codify its historical interpretation of the phrase "nonprofit homes for the aged", to give both owners and staff members more guidance when applying and evaluating claims exemption or inapplicability from the Rent Ordinance.

RECOMMENDED ACTION:

AMEND Chapter 2 Regulations to include a definition of nonprofit homes for the aged, residential care facilities for the elderly, and other related dwellings. – Rent Program (Nicolas Traylor/Charles Oshinuga 620-6564).

FISCAL IMPACT:

None

DISCUSSION:

Background and Purpose of Revised Chapter 2 Regulations

Chapter 2 of the Rent Board's adopted regulations, titled "Applicability" was initially adopted in late 2017 to clarify those types of dwelling units fully and partially exempt from the Rent Ordinance. Chapter 2 was later expanded in 2018 to define Rooming and

ITEM H-1

Boarding houses and create a process whereby a property owner could request a determination of, and challenge, a unit's exempt status. In 2020, the Rent Board adopted a procedure whereby Landlords could request an exemption from the Rent Ordinance. The basis for exemption is listed in the Ordinance, and consequently, to qualify for an exemption, a landlord would have to demonstrate that they qualified for one of the enumerated basis for exemption. One of these enumerated bases for exemption is nonprofit homes for the aged.

In the past, staff have informed owners that the meaning of nonprofit for the aged is a Rental Unit that is operated as a licensed residential care facility for the elderly. To ensure consistency and efficiency when evaluating applications for exemption from the Rent Ordinance, staff is recommending that the Board amend Chapter 2 of the Regulations to define nonprofit homes for the aged, as a residential care facility for the elderly.

Recommended Action

AMEND Chapter 2 Regulations to include a definition of nonprofit homes for the aged, residential care facilities for the elderly, and other related dwellings.

DOCUMENTS ATTACHED:

Attachment 1 – Proposed Revised Regulation 201

Attachment 2 – Existing Regulation 201

Chapter 2: APPLICABILITY

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

- A. Rental Units in hotels, motels, inns, tourist homes and rooming and boarding houses that are rented primarily to transient guests for a period of fewer than 14 days;
- B. Rental Units in any hospital, convent, monastery, extended medical care facility, asylum, or non-profit home for the aged, or dormitory owned and operated by an accredited institution of higher education;

1. For purposes of this Regulation 201(B), “non-profit homes for the aged”, shall mean any residential care facility for the elderly, or skilled nursing facility for the elderly, which is currently licensed as a health care facility under California Administrative Code, Title 22, Division 5, Chapter 3, as amended. A skilled nursing facility for the elderly means a health facility or a distinct part of a hospital which provides the following basic services, skilled nursing care, and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis. It provides 24-hour in-patient care and, as a minimum, includes medical, nursing, dietary, pharmaceutical services and activity program. Extended medical care facilities and Residential care facilities for the elderly shall not include community care facilities or alcoholic or drug rehabilitation or detoxification centers. A community care facility means a facility which is maintained and operated to provide non-medical residential care. Alcohol and drug rehabilitation or detoxification centers mean recovery houses or other similar facilities providing living arrangements for persons recovering from alcoholism or drug addiction.

C. Rental Units for which there is a Temporary Tenancy, as defined in R.M.C § 11.100.030(e);

D.C. Rental Units that are lawful and in full compliance with Richmond Municipal Code Chapter 15.04.610.020, as amended, (formerly known as the “Small, Second Unit Ordinance of the City” (R.M.C § 11.15.04)), if the owner is the Primary Resident of the first, larger single family home; and

E.D. Rental Units where the Rental Unit is the Primary Residence of the property owner and the property owner shares with a Tenant(s) a bathroom or kitchen.

[Formerly Regulation 17-03; Adopted July 19, 2017; Amended December 15, 2021]

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Chapter 2: APPLICABILITY

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

- A. Rental Units in hotels, motels, inns, tourist homes and rooming and boarding houses that are rented primarily to transient guests for a period of fewer than 14 days;
- B. Rental Units in any hospital, convent, monastery, extended medical care facility, asylum, or non-profit home for the aged, or dormitory owned and operated by an accredited institution of higher education;
 - 1. For purposes of this Regulation 201(B), “non-profit homes for the aged”, shall mean any residential care facility for the elderly, or skilled nursing facility for the elderly, which is currently licensed as a health care facility under California Administrative Code, Title 22, Division 5, Chapter 3, as amended. A skilled nursing facility for the elderly means a health facility or a distinct part of a hospital which provides the following basic services, skilled nursing care, and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis. It provides 24-hour in-patient care and, as a minimum, includes medical, nursing, dietary, pharmaceutical services and activity program. Extended medical care facilities and Residential care facilities for the elderly shall not include community care facilities or alcoholic or drug rehabilitation or detoxification centers. A community care facility means a facility which is maintained and operated to provide non-medical residential care. Alcohol and drug rehabilitation or detoxification centers mean recovery houses or other similar facilities providing living arrangements for persons recovering from alcoholism or drug addiction.
- C. Rental Units that are lawful and in full compliance with Richmond Municipal Code Chapter 15.04.610.020, as amended, (formerly known as the “Small, Second Unit Ordinance of the City” (R.M.C § 11.15.04)), if the owner is the Primary Resident of the first, larger single family home; and
- D. Rental Units where the Rental Unit is the Primary Residence of the property owner and the property owner shares with a Tenant(s) a bathroom or kitchen.

[Formerly Regulation 17-03; Adopted July 19, 2017; Amended December 15, 2021]

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