

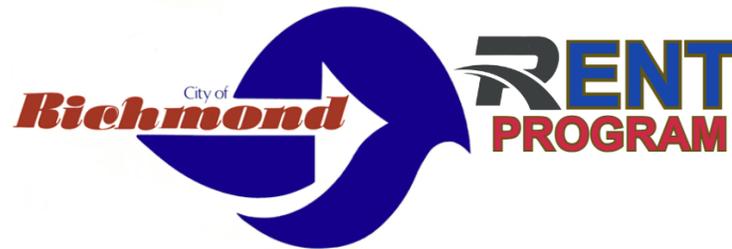
# BUDGET TRANSFER FOR BOARD MEMBER RECOGNITION

Fred Tran, Deputy Director

Richmond Rent Program

December 20, 2023

Item G-1



# Statement of the Issue

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On October 18, 2023, the Richmond Rent Board approved a policy to honor past Board members with proclamations of appreciation and a perpetual plaque to be housed at the Rent Program office or other appropriate space. The total cost associated with honoring past Board members is anticipated to be approximately \$282, the cost to purchase a perpetual plaque. The cost of developing and producing proclamations will be staff time and actual costs of printing will be charged to the Office Expense/Printing & Binding (400232) line item. Currently there is no line item for "Recognition / Awards". Staff are requesting approval from the Board to work with the Finance Department to set up a new line item. Once created, Staff recommend a Budget Transfer not to exceed \$300 from the Miscellaneous (400322) line item to the new "Recognition / Awards" line item. Because the proposed budget transfer is not increasing the overall Budget, but rather reallocating funds, there will be no impact on the Residential Rental Housing Fee for Fiscal Year 2023-24.





# Discussion: Past Board Member Recognition

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- On October 18, 2023, the Richmond Rent Board approved a policy to honor past Board members with proclamations of appreciation and a perpetual plaque.
- The total cost is estimated to be \$282, the cost to purchase a perpetual plaque. The cost of developing and producing proclamations will be staff time and actual costs of printing will be charged to the Office Expense/Printing & Binding (400232) line item.
- Currently there is no line item for “Recognition / Awards”. Staff has requested for approval to work with the Finance Department to establish a new line item.
- Once created, Staff recommends a Budget Transfer not to exceed \$300 from the Miscellaneous (400322) line item to the new “Recognition / Awards” line item.
- The reclassification between line two items will have no impact on the Residential Rental Housing Fee for Fiscal Year 2023-24.



# Recommended Action

**APPROVE** the Rent Program to work with the Finance Department to set up a new line item “Recognition / Awards” and process a budget transfer not to exceed \$300 from the Miscellaneous (400322) line item to the new line item. – Rent Program (Nicolas Traylor/Fred Tran – 620-6564).

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# Executive Director's Update on Rent Program Activities *(July 1- November 30, 2023)*

Item G-2

December 20, 2023

Nicolas Traylor, Executive Director

Richmond Rent Program

# Statement of the Issue

Each month the Richmond Rent Program publishes, as part of its agenda packet, a summary of monthly activities. While these numbers, such as the number of counseling sessions, tell a story quantitatively about Rent Program activities, they cannot fully describe the depth of work performed by Rent Program staff. Providing a more holistic explanation of Rent Program activities, provides the Board and members of the public a better understanding about how the Rent Program administers, enforces, and effectuates the Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance (Richmond Rent Ordinance).

# Fiscal Impact

There is no fiscal impact related to this item.

# List of Key Rent Program Activities

- Rent and Eviction Counseling
- Community Workshops and Education
- Legal Service Referrals
- Mediations
- Processing recording and outreach related to the rent increase and eviction noticing requirements
- Billing/Enrollment/Registration Counseling
- Billing and collection of the Rental Housing Fee
- Administrative Determinations
- Processing of Public Record Act Requests
- Review of and Outreach associated with certain no-fault evictions
- Rent Adjustment Petitions
- Appeals processing

# Counseling on the Rent Ordinance

- 2,191 counseling sessions
- 160 counseling session in Spanish
- 851 by phone
- 232 in-person
- 1,108 by email

Richmond Rent Program Services Analysts ("Housing Counselors") are available to help answer questions about Landlord and Tenant rights and responsibilities under the Richmond Rent Ordinance. Averaging 30 minutes long, counseling session cover topics that include security deposits, evictions, repairs, rent increases, and other topics related to the Rent Ordinance.

# Community Workshops and Education

- 5 Community Workshops since July 1, 2023:
  - July 28- Purchasing a Rental Property in Richmond (pre-recorded)
  - August 18- Live Webinar on Rights and Responsibilities for Richmond Tenants and Landlords (35 in attendance)
  - September 29- How to Ensure Your Rental Is In Compliance with the Richmond Rent Ordinance (pre-recorded)
  - October 27- Live Webinar on Handling Habitability Issues (20 in attendance)
  - November 17- How to File a Rent Increase or Decrease Petition (pre-recorded)

The Richmond Rent Program conducts at least 12 community education workshops each calendar year. Since the pandemic (2020) workshops have been virtual/webinars. Workshops are usually conducted by Rent Program Service Analysts and cover broader topics, such as “Understanding Evictions in Richmond” and more specific (micro) and instructional topics such as “How to File a Rent Increase Notice with the Rent Board”. Starting in 2024, live and in-person workshops are planned, in addition to some pre-recorded workshops on specific issues. Workshops are all recorded and available to view as needed. Staff also provided in-person community education at various events during calendar year 2023, including the Cinco de Mayo festival (May 7) and National Night Out at Belding Garcia Park (August 1).

# Mediation and Informal Dispute Resolution

- 20 Mediations and Informal Dispute Resolutions
  - Typical issues addressed through mediation/informal dispute resolution include:
    - Habitability issues
    - Repayment plans (rent defaults)
    - Rent increases
    - Noise/nuisance complaints
    - Security Deposit disputes
    - Repairs

Mediation with the Richmond Rent Program is an informal method of dispute resolutions where Housing Counselors help landlords and tenants cover a variety of topics. The process is voluntary, and no decision is imposed on either party.

All mediation cases are conducted require housing counselors to communicate to each party separately until each party agrees to participate on a conference call. In some cases, Landlords and Tenants request to not participate in a conference call with the other party, which requires Housing Counselors to continue separate phone calls with each party. This method can typically take up to several weeks due to time constraints and schedules of each party. However, if no agreement is reached in a 1-to-2-week timeframe, a Housing Counselor may recommend for the parties to pursue other remedies.

# Legal Service Referrals

Tenants who receive a Notice of Termination of Tenancy may contact the Rent Program office to learn what their rights and options are related to their situation. Housing Counselors do not take sides in disputes, argue a client's case, or tell clients what choices to make. Instead, counselors provide information about the Just Cause eviction requirements and refer tenants facing eviction to the Eviction Defense Center.

- 54 legal service referrals to Eviction Defense Center (EDC)

# Outreach Related to the Rent Increase and Eviction Noticing Requirements

- Rent Program staff mail courtesy compliance letters to landlords and tenants each time a termination of tenancy notice is filed. On average, we receive and/or process and perform outreach for up to seven (7) notices of termination of tenancy each day.
- In addition to courtesy compliance letters concerning Notices of Termination of Tenancy, Housing Counselors mail compliance letters concerning habitability complaints, discovered Rental Units, relocation payments, and Annual General Adjustment (AGA).

- 384 Notices of Termination of Tenancy Filed
- 246 Notices of Rent Increase Filed
- 432 Courtesy Compliance Letters Mailed to Landlords and Tenants

# Billing, Enrollment and Registration Counseling

- 578 total Billing & Registration Counseling Sessions
- 66 in-person (18 walk-ins)
- 204 by phone
- 308 by email

Billing & Registration staff assist and inform Landlords, Property Managers and/or Authorized Agents concerning their compliance requirements under the Richmond Rent Ordinance. This includes explaining the processes of property enrollment for each rental property, tenancy registration for each rent-controlled unit, and payment of the Rental Housing Fee. The most complex cases will require analysis and research between one or more staff members from each unit to verify the information either provided or in some cases withheld during the enrollment process.

# Billing and Collection of the Rental Housing Fee

- \$2,296,039 revenue (July 1-November 30, 2023-24)
- 74.6% Compliance Rate
- 31 Newly Discovered Units

Obtaining the most up to date information from Landlords or Property Managers through submissions of Property Enrollment or Amended Enrollment Forms is vital to accurately charge the Rental Housing Fees. Questions concerning the Rental Housing Fees are often a case-by-case basis and can be complex. Often, Landlords request follow up counseling sessions with Billing & Registration staff to ensure compliance, verification of documents, and accurate rental unit information for billing.

# Processing Public Record Act Request

- 14 Public Records Act Requests received and completed

Processing and producing Public Record Act requests is labor intensive, starting with receiving the request from the City Clerk's Department and assigning it to the Senior Administrative Analyst, gathering and compiling the requested records from Rent Program staff, and then submitting them for review by Legal Staff (Staff Attorney/General Counsel) for meticulous redacting of protected or confidential information. Some requests are voluminous and take many weeks to complete.

# Administrative Determinations

- 57 Request for Administrative Determination Exempt/Inapplicable Status Received
- 14 Administrative Determination of Exempt Status/Inapplicable Status Issued

The Administrative Determination process occurs when a Landlord claims their property is not a rental unit (i.e.; storage, commercial, etc.) or is partially or fully exempt from the Rent Ordinance.

Work associated with Administrative Determinations is intensive, requiring review of the evidence submitted, review of Rent Program and public records, and proper analysis on how the Rent Ordinance applies to a particular set of facts, including whether a residential unit is occupied "Rent Free"; "Not Available for Rent" (usually due to substantial repairs where the unit is not habitable during the billing fiscal year), Owner Occupied (as primary residence); licensed as a "Non-profit Home for the Aged"; single or multi-unit property, is a permitted ADU with an owner-occupied Single Family Dwelling, among other claims.

# Review of and Outreach Associated with No-fault Evictions (Owner Move-Ins, Withdrawal From Rental Market)

- 7 Owner Move-In Eviction Termination of Tenancy Notices Reviewed
- 0 Withdrawal from the Rental Market (Ellis Act) Termination of Tenancy Notices Reviewed

When Landlords serve tenants with Owner Move-In Eviction notices or Withdrawal from the Rental Market notices, they are required to submit a copy to the Rent Program within 2-business days. Submission of a copy of the OMI notice triggers outreach to the Landlord and Tenant informing them of the multi-step requirements to lawfully perform an OMI eviction. To ensure that Tenants and Landlord are aware of their rights and obligations, Rent Program Legal Staff review OMI and Withdrawal notices submitted to assure the requirements are met and perform compliance outreach as necessary, which includes sending out Courtesy Compliance letters to both parties.

# Rent Adjustment Petitions Processing

- 28 Consultations with Hearings Unit Coordinator (by phone)
- 118 Hearings Unit Questions Addressed by Email
- 5 Landlord Petitions filed
- 41 Tenant Petitions filed (excess rent, decrease in space/services/habitability)
- 4 decisions ordered
- 15 settlements reached
- 2 cases dismissed

Processing Rent Adjustment Petitions begins with the Rent Program housing counselors advising Landlords and Tenants of their rights under the Rent Ordinance and how to use the petition process as recourse to receive a Fair Return rent increase or to request a rent reduction due to rent overcharges or decrease in habitability/space/services.

After a petition is filed, as part of due process, both parties receive a notice of the filing, the respondent is sent a notice of their right to object, notice of a combined settlement and hearing, where either the Hearing Examiner will issue a decision or assist the Landlord and Tenant to reach a settlement.

# Appeals Process

- 2 Appeals filed

One of the major duties of Legal Staff (i.e. General Counsel) is to issue a legal recommendation to the Board related to appeals to a Hearing Examiner's (HE) decision. Legal staff issue a recommendation to the 5-member Rent Board who must decide to affirm, reverse, modify or remand a HE decision.

Appeal recommendations may take months to complete, considering the voluminous material to review (e.g. many hours of hearings tapes, documentation and legal analysis).

# City of Richmond Holiday Closure

- **December 25, 2023, to January 1, 2024**
- **Rent Program office will re-open on January 2, 2024**

**Listserv sent out to inform the rental community:**

- **The deadline for filing MNOI petitions with a Current Year 2022 is December 31, 2023**
- **Individuals receiving an eviction notice or unlawful detainer may contact one of the resources available on the Landlord and Tenant Resource Directory**
- **Rent Increase Notice filing with the Program with web link provided**

# Recommended Action

- RECEIVE PowerPoint and oral presentation from the Executive Director and Rent Program staff on Rent Program activities since July 1, 2023.