

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: December 18, 2024

Final Decision Date Deadline: December 18, 2024

STATEMENT OF THE ISSUE: Rent Program staff members have expressed concern over property owners or Landlords applying for Administrative Determinations for numerous fiscal years in the past, requiring staff to request and/or search through voluminous amounts of records for multiple fiscal years in order to make a Determination for each of those years. Currently, there is no statute of limitation which limits how far back applicants may request a Determination. This allows applicants to theoretically ask for Determinations which cover every fiscal year since the inception of the Richmond Rent Ordinance. As time goes on, this issue will only grow and become more problematic. Consequently, staff now requests Rent Board approval to amend Regulation 205 to create a statute of limitations for applying for an Administrative Determination.

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 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: APPROVE staff to create language to amend Regulation 205 that clarifies that applications for Administrative Determinations have a statute of limitations and therefore applicants may not apply for an Administrative Determination beyond a specified number of fiscal or calendar years in the past. The amended language will be presented at the January or February regular Board meeting. (Nicolas Traylor/Fred Tran – 620-6564).

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AGENDA REPORT

DATE: December 18, 2024

TO: Chair Cantor and Members of the Rent Board

FROM: Palomar Sanchez, Staff Attorney

SUBJECT: AMEND REGULATION 205 TO ADD A STATUTE OF LIMITATIONS FOR APPLICATIONS FOR ADMINISTRATIVE DETERMINATIONS

STATEMENT OF THE ISSUE:

Rent Program staff members have expressed concern over property owners or Landlords applying for Administrative Determinations for numerous fiscal years in the past, requiring staff to request and/or search through voluminous amounts of records for multiple fiscal years to make a Determination for each of those years. Currently, there is no statute of limitation to limit how far back applicants may apply for a Determination. This allows applicants to theoretically apply for Determinations which cover every fiscal year since the inception of the Richmond Rent Ordinance. As time goes on, this issue will only grow and become more problematic. Consequently, staff now requests Rent Board approval to amend Regulation 205 to create a statute of limitations when applying for an Administrative Determination.

RECOMMENDED ACTION:

APPROVE staff to create language to amend Regulation 205 to clarify that applications for Administrative Determinations have a statute of limitations to prevent applications beyond a specified number of fiscal or calendar years in the past (amount to be determined). The amended language will be presented at the January or February regular Rent Board meeting. (Nicolas Traylor/Fred Tran – 620-6564).

FISCAL IMPACT:

There is no fiscal impact for this item.

DISCUSSION:

Currently, Landlords, Tenants, or property owners may apply for an Administrative Determination regarding a claimed exemption or applicability of the Richmond Rent Ordinance to a specific Rental Unit or property. In almost every case, it is a Landlord or property owner claiming the property is and/or was exempt or inapplicable under the

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Rent Ordinance because it was and/or currently is Owner Occupied, Not Available for Rent, or Rent Free. Many of these applications are for more than one fiscal year in the past and therefore, when included in the application, require staff to review voluminous amounts of evidence to make the Determination. Additionally, when the applicant fails to provide sufficient evidence or documentation, staff must then request that the applicant provide additional documents and evidence for multiple years in the past. Finally, some applicants are new Landlords applying for multiple years in the past where they were not the owner of the property to remove fees which the previous Landlord owed but failed to pay.

Most, if not all, other Rent Program processes, such as petitions, appeals, and other filings have statutes of limitations to which applicants must adhere. However, applications for Administrative Determinations do not. Providing a statute of limitations ensures applications remain up to date and applicants do not wait substantial amounts of time before applying, reduces staff workloads, and allows the Rent Program to remain better informed as to the total amount of Rental Units which fall within the Rent Ordinance's jurisdiction.

For these reasons, staff requests the Board approve staff to create language to amend Rent Board Regulation 205 to state a statute of limitations that applicants must adhere to when applying for an Administrative Determination.