

# SELECTING OFFICIAL NEWSPAPER OF THE RENT PROGRAM/RENT BOARD

Item F-4

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CITY OF RICHMOND RENT PROGRAM

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December 18, 2024



## STATEMENT OF THE ISSUE

Each year, before July 1st, the Board is mandated to conduct a public hearing on the proposed budget and formally adopt an annual budget for the upcoming fiscal year. No later than 35 days before the fiscal year begins, the Executive Director must present the proposed budget to the Board. Following a thorough review and any necessary revisions, the Board schedules the public hearing and ensure that a notice is published in the official newspaper at least 10 days prior to the hearing.

The issue before the Rent Board is to identify and select the official newspaper for publishing Rent Board public hearings as required by the Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance.

Both the City of Richmond and the Richmond Rent Program currently utilize the West County Times as the newspaper for publishing notices of public hearings for adoption of their respective annual budgets and legal notices. At the May 15, 2024, Regular Meeting of the Rent Board, the Board directed staff to create a Note to Reader section of the Rent Board Regulations following the Table of Contents and to compose appropriate language to identify the Official Newspaper of the Rent Board.

## FISCAL IMPACT

- There is no fiscal impact related to this item.

## BACKGROUND

- Richmond Municipal Code requires that the Board hold a public hearing on the proposed budget for formal adoption. The Rent Ordinance also requires that the budget hearing be noticed in “the official newspaper”. There is no definition of “the official newspaper” listed in the Rent Ordinance.
- It is a legal requirement under the Rent Ordinance to notice the public regarding the proposed annual Rent Program budget and other public hearings and legal notices. This legal requirement is in place to ensure the public is noticed with the opportunity and ability to provide feedback and comment on the Rent Program’s budget.
- Identifying an official newspaper will provide the community a direct source to locate public hearings and legal notices from the Rent Program/Rent Board. Having an established official newspaper will save the public time. The members of the public will no longer need to search through multiple periodicals or various media sources to find published items.

## PURPOSE

- The drafters of the Rent Ordinance presumably left this definition to be vague to allow the Board and/or staff to choose which newspaper would best suit its needs to reach the broadest possible audience of Richmond Landlords, Tenants and representatives thereof.
- During the Rent Program's first budget cycle in fiscal year 2017-18, in line with the City of Richmond's practice, Rent Program executive staff elected to use the West County Times as the newspaper for publishing the notice of the annual budget public hearing.

## IDENTIFYING THE OFFICIAL NEWSPAPER OF THE RICHMOND RENT PROGRAM/RENT BOARD

- Neither the City of Richmond or the Rent Program have officially identified a newspaper as its “official” publication. Municipal Code has no language requiring the City to make such a designation. The decision to utilize a particular newspaper is left for City Management to decide. Giving the City Manager the ability to designate the official newspaper provides for flexibility to pivot and redesignate which newspaper to use in the case that the official newspaper goes defunct around the time the City is required to provide public notice, if the turnaround time for publishing changes significantly due to unforeseen circumstances, or another better alternative newspaper arises that can better reach Richmond during a crucial noticing period.
- The Rent Ordinance explicitly states that the Rent Board will publish notices in “the Official Newspaper”. Thus, the Board is tasked with selecting a newspaper. Staff recommend however, that the Board approve language giving the Executive Director ability to redesignate the official newspaper in cases where a quick pivot is necessary to meet legal deadlines.
- The City of Richmond has historically used the West County Times as the newspaper it uses to notice public hearing notices. According to the City Clerks’ Office, the West County Times was chosen as it is the local (regional) newspaper with the largest circulation in the Richmond.
- The Board is not required to utilize the West County Times, simply because it has the largest circulation. However, while approximately 27% of Richmond Landlords live in Richmond, about 88% of Richmond Landlords live in the surrounding Bay Area. Thus, using a local newspaper that only circulates in Richmond or certain neighborhoods in Richmond, would fail to reach as many Richmond Landlords as it would Richmond Tenants.

PROPOSED LANGUAGE IDENTIFYING THE OFFICIAL  
NEWSPAPER OF THE RICHMOND RENT PROGRAM/RENT  
BOARD

- The Official Newspaper will be identified in the Note to Reader Section of the Rent Board Regulation Table of Contents and would read as follows:

*“The West County Times is designated as the official newspaper of the Rent Board for publishing notices of public hearings and legal notices, unless specified otherwise by the Executive Director.”*

## RECOMMENDED ACTION

Add to the Note to Reader Section of the Rent Board Regulations following the Table of Contents and appropriate language in that section that: The West County Times is designated as the official newspaper for publishing notices of public hearings and legal notices, unless specified otherwise by the Executive Director.

# Item G-1: PROPOSAL TO AMEND REGULATION 205

December 18, 2024 | Regular Meeting of the Richmond Rent Board

## Item G-1: 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 (2017). 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.

# Item G-1: Background – Current Regulation 205

Currently, Regulation 205 states the following:

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

Notwithstanding Regulation 403, both a Landlord and a Tenant may request that an Administrative Decision be rendered regarding the applicability of Richmond Municipal Code Chapter 11.100 on a Rental Unit or a claimed exemption pursuant to Richmond Municipal Code Section 11.100.030(d). All requests for an Administrative Decision regarding applicability and/or exemption must be made on an Official Rent Program form. The applicant must complete the Official Rent form and attach sufficient information and documentation as requested therein. The applicant shall have the burden of proof of demonstrating a claimed exemption or inapplicability of Richmond Municipal Code Chapter 11.00.

## Item G-1: 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.

# Item G-1: AGENDA Action

Staff members recommend the Rent Board approve staff to create language to amend Regulation 205 so that applications for Administrative Determinations have a limit as far how far back applicants may apply for a Determination.

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