

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: April 16, 2025

Final Decision Date Deadline: April 16, 2025

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 wavier, based on the Landlord's reason for requesting the waiver and their payment history. Attached to this recommendation for the month of April 2025, 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> | |

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: APPROVE late fee waiver(s) for April 2025 pursuant to Regulation 425 - Rent Program (Fred Tran/510-620-6537).

AGENDA ITEM NO:

G-5.

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To: Chair Cantor and Members of the Rent Board

From: Fred Tran, Deputy Director

Re: Late Fee Waiver Recommendation – April 2025

Date: April 16, 2025

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.

A Summary of the Late Fee Waiver Requests and Recommendation submitted in accordance with Regulation 425 for April 2025 of each property approved are included in Attachment 1.

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 to evaluate enumerated applicable factors before deciding 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"

Staff reviewed and assessed each form submitted in Attachment 1 with the accompanying support documents to determine the "Good Cause" requirement were met. The reasonable efforts, including the due diligence of remitting timely payments of the Residential Rental Housing Fee were validated for each Late Fee Waiver Request on Attachment 1. Staff also considered the property owner enrolling with the Program and registering units, when necessary, in accordance with the Ordinance.

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 had 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 the base Residential Rental Housing Fees for the outstanding Fiscal Years were paid when informed or notified of the balance due. The property owners demonstrated Good Cause that warrants a waiver of late fees with a timely payment when the invoice was received (or informed of the outstanding balance). The owner also updated an enrollment and registration form when necessary.

Staff Recommendation

The listed properties on Attachment 1 demonstrated good faith efforts to come into compliance by contacting the Rent Program to inquire about the Program, paying the Residential Rental Housing Fees when the invoice was provided, enrolling and/or registering with the Program. Considering these factors, staff recommend that a full waiver of late fees listed on Attachment 1 be granted.

Late Fee Waiver Summary – April 16, 2025 Board Meeting

	Property Street or FJRC	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	734 Monarch Ct.	Lu Dongming	5/16/2024	Wrong mailing address	Full waiver of late fees	\$187.50	\$187.50	None
2	RC544282015	Sheila Nasario	5/24/2024	Financial hardship & hospitalization	Full waiver of late fees	\$2,879.00	\$2,879.00	None
3	1311 25th St.	Mario & Sandra Carranza	11/21/2024	Wrong mailing address	Full waiver of late fees	\$67.50	\$67.50	None
4	RC544052008	Estella Teasley Trust	8/15/2024	Wrong mailing address & Hospitalization	Full waiver of late fees	\$874.00	\$874.00	None
5	RC21-560720119	Alice & James Lu	4/1/2025	Wrong mailing address	Full waiver of late fees	\$4,143.00	\$4,143.00	None
6	717 Western Dr.	Margaret & Waclaw Berczynski	1/16/2024	Wrong mailing address	Partial Approval	\$220.00	\$22.00	\$198.00
7	RC538460009	Jose Gonzalez	11/17/2023	Property owner unable to collect some or all rent due to COVID-19.	Full waiver of late fees	\$2,193.00	\$2,193.00	None
8	1511 Santa Clara St.	Illona & Nathan Clark	9/18/2024	Did not receive invoice.	Full waiver of late fees	\$44.60	\$44.60	None
9	RC53080005	Javier Delgado	11/18/2022	Wrong mailing address	Full waiver of late fees	\$1,525.00	\$1,525.00	None
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					Total	\$12,133.60	\$11,935.60	

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