



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, August 27, 2025**

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

Board Chair
Whitney Tipton

Board Vice Chair
Sara Cantor

Board Members
Tomasa Espinoza
Jim Hite

NOTICE: 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 four 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. CONSENT CALENDAR

F-1. APPROVE the minutes of July 16, 2025, Regular Meeting of the Richmond Rent Board. *Cynthia Shaw*

F-2. RECEIVE letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100. *Cynthia Shaw*

F-3. RECEIVE the Fiscal Year 2025-26 Monthly Activity Report through July 2025. *Cynthia Shaw*

F-4. RECEIVE the Rent Program FY 2024-25 and FY 2025-26 Monthly Revenue and Expenditure Report through June and July 2025. *Fred Tran*

F-5. RECEIVE the Budgeted versus Actual Revenue and Expenditures Report for the fourth quarter ending June 30, 2025. *Fred Tran*

F-6. APPROVE late fee waiver(s) for August 2025 pursuant to Regulation 425. *Fred Tran*

G. CONSIDERATION OF APPEALS

- G-1.** APPEAL to Petition No. RC24-T274: Both parties appeal a Hearing Examiner’s Decision that ultimately awarded the tenant \$882.29, due to the temporary loss of access to the following spaces: backyard, front patio, back patio, and garage. The landlord contends that the temporary loss of access to the aforementioned areas was due to his need to perform necessary repairs. The landlord further contends that the tenant did not have a right to the garage so that portion of the award should be reversed. Additionally, the landlord challenges the sufficiency of the tenant’s evidence, asserting that some of the Tenant’s evidence concerns conditions that existed after the petition was filed. Finally, the landlord challenges the timeline of the Hearing Examiner’s award and the Hearing Examiner’s finding that the landlord acted with “unclean hands”.

Charles Oshinuga

On the other hand, the tenant submitted a cross-appeal challenging only the portion of the Hearing Examiner’s Decision that found that the tenant and the landlord shared the use of the back deck, patio, and the garage. The Tenant described how the Landlord allegedly harassed her in these shared spaces and it’s unfair that she has to share her deck, where other tenants do not have to share their decks.

H. RENT BOARD AS A WHOLE

- H-1.** DIRECT staff to create language to amend Chapter 8 Rent Board Regulations to increase effectiveness and efficiency of the petitions and hearings process.

Nicolas Traylor

I. REPORTS OF OFFICERS

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.

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: August 27, 2025

Final Decision Date Deadline: August 27, 2025

STATEMENT OF THE ISSUE: The minutes of the July 16, 2025, 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 July 16, 2025, Regular Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-1.

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RICHMOND, CALIFORNIA, July 16, 2025

The Regular Meeting of the Richmond Rent Board was called to order at 5:07 P.M.

PLEDGE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL

Board Members Present: Espinoza, Hite, Vice Chair Cantor, and Chair Tipton.

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

Absent: None.

STATEMENT OF CONFLICT OF INTEREST

None.

AGENDA REVIEW

None.

PUBLIC FORUM

Cordell Hindler, a Richmond Resident, addressed five matters:

1. An upcoming City Council appointment to fill the Rent Board vacancy, tentatively scheduled for July 19, July 26, or September 2, 2025.
2. An invitation to the Contra Costa Mayor's Conference, hosted by the City of El Cerrito on September 4, 2025.
3. A recommendation to restructure public hearings to improve transparency by separating them from regular business agendas and suggested holding Special Meetings solely for public hearings.
4. Concerns regarding agenda structure and accessibility for the public.
5. A suggestion that additional funding for security at Rent Board meetings would improve order and safety.

CONSENT CALENDAR

On motion from Vice Chair Cantor, seconded by Board Member Espinoza, the Item(s) marked with an (*) were approved unanimously.

***F-1.** Approve the minutes of June 18, 2025, Regular Meeting of the Richmond Rent Board.

***F-2.** Receive letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100.

***F-3.** Receive the Fiscal Year 2024-25 Monthly Activity Report through June 2025.

***F-4.** Approve late fee waiver(s) for July 2025 pursuant to Regulation 425.

RENT BOARD AS A WHOLE

G-1. Executive Director Nicolas Traylor presented on the matter to approve the final Proclamation of Appreciation (with minor updates to the previously approved design) for former Board members and direct staff to schedule a Special Meeting of the Rent Board on September 30, 2025 (or other date approved by the Board), to honor past Board members. The presentation included a Statement of the Issue, Fiscal Impact, and Background with a history of the proposal including a draft photo of the final proclamation of Appreciation, a Recommended Action, and next steps. Discussion ensued. The following individual gave public comments: Cordell Hindler.

A motion was made by Board Member Hite, and seconded by Board Member Espinoza, with a friendly amendment by Vice Chair Cantor, amendment accepted by Board Members Hite and Espinoza, to approve the final Proclamation of Appreciation for former Rent Board members and directed staff to schedule a Special Rent Board Meeting on September 30, 2025 and mail proclamations as needed, passed by the following vote: **Ayes:** Board Member Espinoza, Hite, Vice Chair Cantor and Chair Tipton. **Noes:** None. **Abstentions:** None. **Absent:** None.

G-2. Executive Director Nicolas Traylor presented on the matter to receive a report analyzing the results of the Bay Area Rent Stabilization Survey. The presentation included the Statement of the Issue, Fiscal Impact, Background, and Discussion on the

methodology and overview for a Richmond survey with sampling, survey limitations, ethics, findings regarding Tenant awareness, impact of Rent Stabilization, challenges identified, comparative analysis highlights, conclusion, and key takeaways, and the Recommended Action. Discussion ensued. There were no public comments on this item. The Board received the presentation on the report, and no formal action was taken.

G-3. Executive Director Nicolas Traylor presented on the matter to receive the previously approved Tenant Buyout Agreement Policy, to approve or modify the Board’s previously adopted policy of “High Level of Oversight” (Policy Option 3) and direct staff to: (1) present the Rent Board’s Policy during a study session at a meeting of the City of Richmond City Council and (2) work with the City Attorney’s Office to draft a Buyout Agreement Ordinance. The presentation included the statement of the issue, the Fiscal Impact, information about what a buyout agreement is, why regulate buyout agreements, core protections in all policy options, an overview of policy options, including a summary of Option 3 (high oversight), final thoughts on buyout Regulations and Option 3, and the Recommended Action. Discussion ensued. There were no public comments on this item.

A motion was made by Vice Chair Cantor and seconded by Board Member Hite, to affirm previously adopted Option 3: high oversight, and direct staff to present the policy at Richmond City Council study session in September 2025; Collaborate with the City Attorney’s Office to draft an ordinance for City Council approval in October/November 2025, passed by the following vote: **Ayes:** Board Member Espinoza, Hite, Vice Chair Cantor and Chair Tipton. **Noes:** None. **Abstentions:** None. **Absent:** None.

REPORTS OF OFFICERS

None.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:51 P.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: August 27, 2025

Final Decision Date Deadline: August 27, 2025

STATEMENT OF THE ISSUE: Members of the community have sent letters to the Rent Board and Rent Program staff members. Staff members recommend letters that do not pertain to a specific item on the Rent Board agenda be included as consent items for consideration by the Rent Board.

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: RECEIVE letters from community members regarding the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance, RMC 11.100 – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:
F-2.

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From: [REDACTED]
To: [REDACTED]
Cc: [Cynthia Shaw](#)
Subject: Re: Cancellation of July 29, 2025 Combined Settlement Conference & Hearing _ RC25-T305
Date: Monday, August 11, 2025 9:31:11 PM

This email originated from outside of the City's email system. Do not open links or attachments from untrusted sources.

Hello I own property so life is a little tough these days. Today the corrupt politicians believe I should not have what I worked for. Today we have rent programs in every city which afford you and a few others high paying jobs while exasperating the rental crisis. Mom and pop landlords who can't fight and beat attorney at their own game like I did are losing their properties. The eviction defense team used lies & deception yet still I prevailed. They are paid with our funds to lie & cheat to win even having the audacity to hire a private investigator because I asked for my house back.

Yes you may not be the supervisor for that department. But one would think with your high saluting status you could either connect me to the person who is the supervisor. Instead as lawyers do, your desire is to sound smart so I will assume my place. Well my place will never be decided by any of you. You knew she did not have a right to double back asking for relocation money when she left like a thief in the night with no forwarding address owing me more than \$20,000 in back rent. Yet you further harassed me with the ridiculous summons to defend myself again. If the order of the process is not working then fix it so we won't continue to be burdened with your backwards actions!

Yes put these emails on the agenda and make sure my email address and name or any other personal identifying information is redacted

Kimberly

On Aug 11, 2025, at 3:35 PM, Charles Oshinuga
<charles_oshinuga@ci.richmond.ca.us> wrote:

Good Afternoon Ms. Graves,

I am not the Hearing's unit supervisor, I am the legal unit's supervisor, so as I said in my prior email, it is factually incorrect to suggest that you provided me with pertinent information related to your hearing's matter; you did not. If you would like to gain a better understanding of the various staff and their roles in the program, please check out our "Annual Fee Study" posted on our website.

Regarding the "text on the agenda", written communications addressed to the Board members are required to be placed on the Rent Board's agenda as a

“constituent correspondence”. This allows the constituent’s concerns/comments to be viewed by the general public. The purpose of placing the written correspondence on the agenda is to allow for greater transparency so that the general public can see/read how other members of the public view the Rent Program. If someone reads the written correspondence, they may be motivated to share their own experiences during public comment or write their own letter. Because your emails have not been addressed to the Board, there is no requirement that they placed on the agenda. However, because the emails have been shared with the Board members, I shared with you the option of having the emails placed on the agenda as a constituent correspondence. The question of whether or not it is beneficial to you is outside my scope of service and so I will not opine on it.

Finally, you are correct, the Rent Board meeting was set for the 20th but because of scheduling conflicts it will be moved to the 27th. The public will be notified shortly. Hope this helps, take care,

Charles Oshinuga
General Counsel

From: Kimberly Graves [REDACTED]
Sent: Monday, August 11, 2025 1:43 PM
To: Charles Oshinuga <charles_oshinuga@ci.richmond.ca.us>
Cc: Cynthia Shaw <cynthia_shaw@ci.richmond.ca.us>
Subject: Re: Cancellation of July 29, 2025 Combined Settlement Conference & Hearing _ RC25-T305

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Hello Charles,

It sounds like you would be the supervisor to whom ever I was corresponding with. Therefore I suspect you can get the details of how this was handled directly from your subordinate. I do intend to file a claim for the costs & expenses incurred as a result of someone’s error in interpreting your code/regulations. As I said I sent the judgement a month prior yet I was told the hearing would not be cancelled.

I am not sure I understand the suggestion of putting texts on the agenda. That has never been suggested to me before. You mention it allowing comments from the public. I see no benefit in that for me. If I am missing the

benefit that you are aware of please advise.

By the way the Agenda shows the meeting to be August 20 did something change?

Kimberly

On Aug 11, 2025, at 10:19 AM, Charles Oshinuga
<charles_oshinuga@ci.richmond.ca.us> wrote:

Good Morning Ms. Graves,

Hope all is well and that you had a nice weekend. To be clear, I am not involved in the Hearing's unit process. As General Counsel, my involvement in the administrative process begins only after a party files an appeal. At that time, I review the entire file, listen to the hearing recording, if available, and write a recommendation to the Rent Board. In so as far as your prior email suggests that you sent me various materials pertinent to your hearings matter, it is factual incorrect. I did not become aware of your matter until the week you requested Ms. Shaw escalate it to me.

As to your question regarding the next Board meeting, the next meeting is on August 27, 2025 at 5pm. I believe the Rent Program emails a listserve with Rent Board announcements, such as dates/times of upcoming Rent Board meetings, Annual General Adjustment dates, etc. If you like, I can ask Ms. Shaw to add your email address to the listserve. Additionally, per your request, I will have Ms. Shaw forward this email thread to all Boardmembers. Finally, if you like, this email thread can also be placed on the Rent Board agenda. Doing so would allow the public to view the email thread, be made aware of your concerns, and perhaps comment on it, if they so chose. Let me know your thoughts regarding placing this thread on the Rent Board agenda and joining the Rent Program listserve. In the meantime, I will have this thread forwarded to the Board members. Take care,

Charles Oshinuga
General Counsel

From: Kimberly Graves [REDACTED]

Sent: Saturday, August 9, 2025 4:28 PM
To: Charles Oshinuga <charles_oshinuga@ci.richmond.ca.us>
Subject: Re: Cancellation of July 29, 2025 Combined Settlement Conference & Hearing _ RC25-T305

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Hello Mr. Oshinuga,

I appreciate the reply. However, I do need to explain that had the proceeding not been cancelled I would have defended my position accordingly. Instead, the cancellation was after several attempts to inform you that the requested hearing had no validity and your insistence that the hearing was valid. As a result, I incurred expenses to provide transcripts that would prove my position. I sent you the judgement a month earlier and it wasn't until after I sent the judgement with one of the transcripts that you made the correct decision to end the charade! The problem is you did this after costs incurred to defend my position.

I am more than happy to have you send this email to all the Rent Board Members. I have spoken with the Executive Director on many occasions and you are welcome to forward my email to him as well. I definitely would like to attend the next Rent Board Meeting to tell the board and members of Richmond general population what you have done and how you are targeting mom and pop landlords like me. Please follow this email with the dates of the upcoming meetings and I will attend. In the meantime, I will submit my claim to the city of Richmond because either yours or another staff member's negligence caused me to incur these costs. As city employees I expect the city to pay for your negligence. I believe you have my phone number if you deem it prudent to have this conversation over the phone.

Kimberly,

From: Charles Oshinuga <charles_oshinuga@ci.richmond.ca.us>
Sent: Tuesday, July 29, 2025 5:20 PM
To: Kimberly Graves [REDACTED]

Subject: RE: Cancellation of July 29, 2025 Combined Settlement
Conference & Hearing _ RC25-T305

Good Evening Ms. Graves,

Hope you are doing well. Ms. Shaw informed me that you would like me to take a look at your request for reimbursement as described in your prior email. The Rent Program/Board does not provide reimbursement for expenses incurred by either party during the course of a petition or appeal. I am unaware of any law that would compel the Rent Program/Board to do otherwise. If you are aware of a law that would obligate the Rent Program/Board to provide reimbursement per your request as described below, please forward that statute to me. If you believe the Rent Program could improve on its procedures, I invite you to attend a Rent Board meeting and voice your concerns/suggestions to the Rent Board members. Alternatively, you can send an email to the Rent Program and request that the email be provided to all or some Rent Board members. Additionally, you can email some or all of the Rent Board members and voice your concerns and/or share suggestions of improvement. Finally, you can email the Executive Director and voice your concerns and/or provide suggestions on how to improve procedures that you may find inefficient. If you need the contact information of any of the aforementioned individuals, please let me know and I'll have a staff member contact you with that information. Thank you for sharing your concerns, and I hope you have a great rest of the day,

Charles Oshinuga

General Counsel

From: Kimberly Graves [REDACTED]
Sent: Monday, July 28, 2025 2:43 PM
To: Cynthia Shaw <cynthia_shaw@ci.richmond.ca.us>
Cc: Rent Program Hearings Unit
<Rent_Program_Hearings_Unit@ci.richmond.ca.us>; Nicolas Traylor
<nicolas_traylor@ci.richmond.ca.us>; [REDACTED]
Subject: Re: Cancellation of July 29, 2025 Combined Settlement
Conference & Hearing _ RC25-T305

This email originated from outside of the City's email system. Do not open links or attachments from untrusted sources.

If the judgement sent June 12th was acknowledged at that time instead of after I sent it a second time this would not be an issue. I would like this escalated and reviewed by your attorney or I will file a claim against the city.

Kimberly

On Jul 28, 2025, at 1:50 PM, Cynthia Shaw
<cynthia_shaw@ci.richmond.ca.us> wrote:

Good Afternoon, Kimberly,

The Richmond Rent Program does not provide reimbursement of any expenses incurred by parties to a Petition. Please feel free to review the Richmond Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance and Rent Board Regulations should you wish to proceed with a further claim regarding this matter. The Richmond Rent Program considers Petition RC25-T305 administratively closed.

Thank you,

Cynthia Shaw

Senior Administrative Analyst
Assistant to Executive Director | Coordinator for Hearings Unit &
Legal Unit | Rent Board Clerk
City of Richmond Rent Program
440 Civic Center Plaza, Suite 200, Richmond, CA 94804
Direct Phone: (510) 620-5552 | Main Phone: (510) 234-RENT
(7368)
Fax: 510-307-8149 | Website: www.richmondrent.org
Email: cynthia_shaw@ci.richmond.ca.us

***The Rent Program is now on [Facebook](#) and [Instagram](#) -
follow us to stay in touch!***

To learn more about our upcoming Workshops and for up to date information about the Richmond Rent Program, sign up for our email listserv: [Sign Up Here!](#)

From: Kimberly Graves

[REDACTED]
Sent: Friday, July 25, 2025 7:02 PM

To: Cynthia Shaw <cynthia_shaw@ci.richmond.ca.us>;
[REDACTED]

Cc: Rent Program Hearings Unit

<Rent_Program_Hearings_Unit@ci.richmond.ca.us>; Nicolas

Traylor <nicolas_traylor@ci.richmond.ca.us>

Subject: Re: Cancellation of July 29, 2025 Combined
Settlement Conference & Hearing _ RC25-T305

This email originated from outside of the City's email system. Do not
open links or attachments from untrusted sources.

This is all great, but I incurred expenses as a result of
this unnecessary trouble. I provided the information
on Judge Devine prior to the last upload on July 16,
2025. Please let me know how to request expenses I
incurred and to whom to provide the invoices.

Kimberly

From: Cynthia Shaw <cynthia_shaw@ci.richmond.ca.us>

Sent: Wednesday, July 23, 2025 5:08 PM

To: [REDACTED]
[REDACTED]

Cc: Rent Program Hearings Unit

<Rent_Program_Hearings_Unit@ci.richmond.ca.us>; Nicolas

Traylor <nicolas_traylor@ci.richmond.ca.us>

Subject: Cancellation of July 29, 2025 Combined Settlement
Conference & Hearing _ RC25-T305

Good Evening, Petitioner(s) and Respondent(s):

The Hearing Examiner was preparing for next
Tuesday's Combined Settlement Conference &
Hearing, and it became clear that the Richmond
Rent Board and Rent Program no longer have
jurisdiction over this alleged Petition for Failure
to Pay Permanent Relocation Payments.
Specifically, the Hearing Examiner reviewed the
documents submitted by the Respondent (Ms.
Graves) on July 16, 2025, and then
independently reviewed the publicly available
Contra Costa County Superior Court record in
case number L24-05456.

The Honorable John P. Devine issued a Judgment in the Superior Court action and the minutes of the Court contain the following statement:

“Defendant is not entitled to relocation costs pursuant to the City of Richmond rent program.”

This Decision (regardless of the facts presented during the trial on February 10, 2025) removes jurisdiction from the Richmond Rent Program from further consideration of this matter in an administrative proceeding.

The Hearing Examiner has no choice except to cancel the Combined Settlement Conference & Hearing scheduled for Tuesday, July 29, 2025, at 10:00 a.m., and to dismiss Petition RC25-T305 from further consideration with prejudice. This means no future Petition can be filed regarding any relocation payment issues stemming from the Petitioner’s tenancy at [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

The Hearing Examiner also noted in his review of the documents in both the Superior Court action and the documents submitted by the Petitioner that the Petition was not filed until May 5, 2025, approximately one (1) week after the Superior Court issued a Decision and Judgment in Contra Costa County Superior Court action L24-05456 on or about April 28, 2025.

We are letting the parties know in advance of the Combined Settlement Conference & Hearing so that the parties can avoid unnecessarily appearing on Tuesday, July 29, 2025.

Feel free to reply to all included in this email with any questions or concerns.

Thanks,

Cynthia Shaw

Senior Administrative Analyst

Assistant to Executive Director | Coordinator for Hearings Unit & Legal Unit | Rent Board Clerk

City of Richmond Rent Program
440 Civic Center Plaza, Suite 200, Richmond, CA 94804
Direct Phone: (510) 620-5552 | Main Phone: (510) 234-RENT
(7368)
Fax: 510-307-8149 | Website: www.richmondrent.org
Email: cynthia_shaw@ci.richmond.ca.us

***The Rent Program is now on [Facebook](#) and [Instagram](#) -
follow us to stay in touch!***

To learn more about our upcoming Workshops and for up to date
information
about the Richmond Rent Program, sign up for our email
listserv: [Sign Up Here!](#)

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Please note that it is common practice for staff members to include letters or emails from constituents concerning issues under the jurisdiction of the Rent Board in the next Rent Board Regular Meeting Agenda Packet (August 20, 2025) and published by Friday, August 15th.

As such, your email will be shared publicly with redactions to your personal information. Feel free to contact me at (510) 620-5552 or cynthia_shaw@ci.richmond.ca.us if you have any concerns or require additional information.

Thanks again,

Cynthia Shaw

Senior Administrative Analyst

Assistant to Executive Director | Coordinator for Hearings Unit & Legal Unit | Rent Board Clerk

City of Richmond Rent Program

440 Civic Center Plaza, Suite 200, Richmond, CA 94804

Direct Phone: (510) 620-5552 | Main Phone: (510) 234-RENT (7368)

Fax: 510-307-8149 | Website: www.richmondrent.org

Email: cynthia_shaw@ci.richmond.ca.us

The Rent Program is now on [Facebook](#) and [Instagram](#) - follow us to stay in touch!

To learn more about our upcoming Workshops and for up to date information

about the Richmond Rent Program, sign up for our email listserv: [Sign Up Here!](#)

From: Crashelle Jackson [REDACTED]

Sent: Wednesday, July 16, 2025 9:25 AM

To: Rent Control <rent@ci.richmond.ca.us>; Cynthia Shaw <cynthia_shaw@ci.richmond.ca.us>; wtipton@richmondrent.org; scantor@richmondrent.org; tespinoza@richmondrent.org; jhite@richmondrent.org

Cc: [REDACTED] Richmond RRIP <RichmondRRIP@ci.richmond.ca.us>

Subject: Public Comment – Richmond Rent Board

This email originated from outside of the City's email system. Do not open links or attachments from untrusted sources.

Good evening members of the Rent Board,

My name is Crashelle Jackson, and I serve as a Richmond Economic Development Commissioner. I'm also a tenant at [REDACTED]

I'm here to express deep concern about how the City's Rental Inspection Program is currently being used, not as a safeguard for tenant habitability, but as a tool that landlords are manipulating to shift the financial burden of long-overdue repairs onto tenants.

Despite my role as a commissioner, my education, access to information, and understanding of housing policy, this is still happening to me. So I can only imagine what is happening to countless other Richmond residents who may not have the same resources, who may feel too intimidated or unequipped to fight back.

After years of deferred maintenance at my building, it was only after the RRIP inspection that any real repairs were made. But instead of property owners taking responsibility for years of neglect, tenants are now being billed hundreds of dollars for these mandated corrections with no warning, no itemized invoice, no consent, and no transparency.

In my case, I was charged \$350 for things like installing grease cleaning and window dirt issues I had documented and reported at move-in, which clearly stemmed from long-standing disrepair. The explanation for the charge has changed multiple times, now even referencing smoke detectors something that is clearly a landlord's habitability obligation under California law.

There is no accountability structure in place. Landlords are using vendors of their choice, setting prices as they wish, and pushing those costs onto tenants without oversight. Even worse, these charges are being applied directly to rent accounts, so that when tenants pay rent, it first goes toward the disputed repair charge creating a false appearance of unpaid rent and increasing the risk of eviction or late fees.

This practice is deeply predatory. It undermines housing stability and violates the very spirit of the Rent Ordinance.

I urge the Rent Board to take immediate action by:

Prohibiting landlords from charging tenants for RRIP-mandated repairs that address pre-existing violations;

Requiring advance written notice, full itemization, and proof before any repair cost is billed to a tenant;

Ensuring tenant rent ledgers cannot be manipulated in ways that create false balances;

Creating a transparent enforcement mechanism to hold landlords accountable when tenant protections are violated.

If I'm experiencing this level of disregard and mismanagement, I know many other renters especially those who are elderly, disabled, or low-income are likely facing worse, in silence.

This city cannot allow systems meant to protect us to become weapons used against us.

Thank you for your time and commitment to equitable housing in Richmond.

Crashelle Jackson

Powerful, Passionate, and Magnanimous

[REDACTED]

[REDACTED]

“When you get these jobs that you have been so brilliantly trained for, just remember that your real job is that if you are free, you need to free somebody else. If you have some power, then your job is to empower somebody else.” - Toni Morrison

Crashelle Jackson



08/08/2025

To:

Richmond Rent Board
City of Richmond Rent Program
440 Civic Center Plaza, 2nd Floor
Richmond, CA 94804
rent@ci.richmond.ca.us

Subject: Public Comment Regarding Structural Failures and Tenant Harms in the Richmond Rental Inspection Program (RRIP)

Dear Members of the Rent Board,

My name is Crashelle Jackson. I am a Richmond resident and currently serve as a Richmond Economic Development Commissioner. I'm writing to submit this formal public comment regarding urgent and pervasive issues within the Richmond Rental Inspection Program (RRIP) and its intersection with tenant protection and housing justice.

Despite my background, education, and access to housing policy resources, I am personally experiencing egregious misuse of the RRIP program that has placed me in an unsafe, financially burdensome, and legally confusing position. If this is happening to me, I can only imagine what other Richmond tenants, particularly those who are low-income, disabled, elderly, or uninformed of their rights, are facing without the means to advocate for themselves.

There is currently no clear standard for what constitutes a failed inspection or violation under the RRIP. Inspectors have broad discretion and are not consistently trained on the City's health, habitability, and safety codes. As a result, cosmetic issues such as:

- Grease on a stove,
- Dirt on windows,
- General cleaning of the entire apartment,

are being cited as "**violations**", while serious and long-standing health and safety issues are overlooked or dismissed.

Even more concerning is the way inspectors assign repair responsibility using the "T" (Tenant) and "O" (Owner) codes. These designations are made without context, regulatory guidance, or any tenant input. This not only creates confusion but leaves **both landlords and tenants**

vulnerable to misapplication of repair liability, ultimately fueling legal conflict and tenant displacement.

In my case, RRIP triggered the first significant repair activity in years at my building. However, instead of the landlord taking responsibility for overdue corrections, tenants like myself were billed for the work, **without consent, without notice, and without itemized invoices**. The explanation for my \$350 charge has shifted multiple times, including cleaning grease, cleaning windows, and now even referencing smoke detectors, which are clearly a landlord's obligation under California habitability law.

To date, I have received:

- No explanation prior to these repairs being performed;
- No legal basis for the charges;
- No receipts or detailed breakdown of costs;
- No opportunity to review the inspector's findings.

Worse still, this charge was added directly to my rent ledger, creating a **false rent balance** that now threatens my payment record and puts me at risk for additional penalties or eviction.

This is **predatory, opaque, and unacceptable**. Many tenants in Richmond do not know the law, fear retaliation, or simply do not have the time or capacity to challenge charges like these. The absence of a formal dispute process within RRIP or a tenant-facing appeals mechanism means many people feel they must pay these unfair charges to avoid late fees or legal consequences, even when the charges violate both the spirit and letter of the Richmond Rent Ordinance.

As someone who believes in the mission of equitable housing, I urge the Rent Board to take immediate corrective action. Specifically:

1. **Standardize RRIP Violation Criteria**
 - Clearly define what constitutes a health and safety issue vs. cosmetic cleanliness or wear and tear.
 - Make this Criteria: Digital, Clear and Standardized.
2. **Regulate Inspector Training and Authority**
 - Inspectors must be trained in City code, tenant protections, and fair housing laws.
 - Inspector training should be Mandated and Standardized including annual training and review.
 - "T" and "O" repair designations must be backed by written regulatory standards or removed.
3. **Ensure Full Transparency and Due Process**
 - Provide tenants and landlords with:
 - Written inspection criteria ahead of the inspection;
 - Complete inspection reports (pass and fail items);
 - Prior written notice before repairs are made;

- Regulation or Subsidy for any charges applied.
4. **Prohibit Unjust Tenant Charges**
 - RRIP-mandated repairs for pre-existing conditions or code violations should never be billed to tenants.
 - No repair charges should be applied to rent accounts without written agreement from the tenant.
 5. **Create a Formal Dispute and Complaint Process**
 - Tenants must be able to challenge inspection results and repair charges through a clear, accessible channel.
 6. **Audit RRIP's Impact on Tenant Stability**
 - A citywide review of how RRIP has impacted tenants is critical, especially among low-income communities.

The RRIP program, as it is currently implemented, **has the potential to cause more harm than good**. The absence of clarity, regulation, and fairness allows landlords to weaponize the program while the city, unintentionally or not, becomes complicit in tenant displacement, harassment, and housing instability.

I urge this board to act boldly and quickly. Richmond tenants deserve better. And I hope that sharing my experience serves as a wake-up call to the deeply rooted and systemic flaws in the RRIP program.

Thank you for your time, your commitment to justice, and your willingness to create meaningful housing protections for all Richmond residents.

Sincerely,

Crashelle Jackson



AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: August 27, 2025

Final Decision Date Deadline: August 27, 2025

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

- | | | |
|---|--|--|
| <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 2025-26 Monthly Activity Report through July 2025 - Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-3.

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**Rent Program
FY2025-26 Monthly Activity Report**

ITEM F-3

	Jul-25	Aug-25	Sep-25	Oct-25	Nov-25	Dec-25	Jan-26	Feb-26	Mar-26	Apr-26	May-26	Jun-26	YTD TOTAL
	MTD ACTUAL	YTD TOTAL											
Public Information & Enrollment Unit													
Rent/Eviction Counseling Appointments By Phone	84	-	-	-	-	-	-	-	-	-	-	-	84
Rent/Eviction Counseling Appointments By Walk-ins	31	-	-	-	-	-	-	-	-	-	-	-	31
Rent/Eviction Counseling Questions Addressed By Email	262	-	-	-	-	-	-	-	-	-	-	-	262
TOTAL RENT/EVICTION COUNSELING APPOINTMENTS	377	-	-	-	-	-	-	-	-	-	-	-	377
Rent/Eviction Counseling Sessions Conducted in Spanish	83	-	-	-	-	-	-	-	-	-	-	-	83
Rent/Eviction Counseling Sessions Conducted in Mandarin	-	-	-	-	-	-	-	-	-	-	-	-	-
Rent/Eviction Counseling Sessions Conducted in Cantonese	-	-	-	-	-	-	-	-	-	-	-	-	-
Rent/Eviction Counseling Sessions Conducted in Another Language	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL RENT/EVICTION COUNSELING APPOINTMENTS IN A LANGUAGE OTHER THAN ENGLISH	83	-	-	-	-	-	-	-	-	-	-	-	83
Legal Service Referrals	14	-	-	-	-	-	-	-	-	-	-	-	14
Mediations Conducted	-	-	-	-	-	-	-	-	-	-	-	-	-
Assists from Front Office Staff	187	-	-	-	-	-	-	-	-	-	-	-	187
Courtesy Compliance Letters Sent	370	-	-	-	-	-	-	-	-	-	-	-	370
Community Workshop Attendees	-	-	-	-	-	-	-	-	-	-	-	-	-
Hard Copy Rent Increase Notices Processed	66	-	-	-	-	-	-	-	-	-	-	-	66
Hard Copy Termination of Tenancy Notices Processed	33	-	-	-	-	-	-	-	-	-	-	-	33
TOTAL HARD COPY NOTICES PROCESSED	99	-	-	-	-	-	-	-	-	-	-	-	99
Billing/Enrollment/Registration Counseling Appointments In-Person	5	-	-	-	-	-	-	-	-	-	-	-	5
Billing/Enrollment/Registration Counseling Appointments By Phone	-	-	-	-	-	-	-	-	-	-	-	-	-
Billing/Enrollment/Registration Counseling Questions Addressed By Email	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL BILLING/ENROLLMENT/REGISTRATION COUNSELING APPOINTMENTS	5	-	-	-	-	-	-	-	-	-	-	-	5
Enrollment/Tenancy Registration Packets Mailed	-	-	-	-	-	-	-	-	-	-	-	-	-
Enrollment Forms Processed	5	-	-	-	-	-	-	-	-	-	-	-	5
Rental Housing Fee Invoices Generated	-	-	-	-	-	-	-	-	-	-	-	-	-
Checks Processed	-	-	-	-	-	-	-	-	-	-	-	-	-
Checks Returned	-	-	-	-	-	-	-	-	-	-	-	-	-
Tenancy Registrations Received	-	-	-	-	-	-	-	-	-	-	-	-	-
Rental Units Discovered Not in Database	1	-	-	-	-	-	-	-	-	-	-	-	1
Property Information Updated	-	-	-	-	-	-	-	-	-	-	-	-	-
Compliance Actions (Reviewing Records, Exemption Statuses, Addresses)	1	-	-	-	-	-	-	-	-	-	-	-	1
Applications for Administrative Determination of Exempt/Inapplicable Status Received	-	-	-	-	-	-	-	-	-	-	-	-	-
Administrative Determination of Exempt/Inapplicable Status Issued	6	-	-	-	-	-	-	-	-	-	-	-	6
Declarations of Exemption Processed	-	-	-	-	-	-	-	-	-	-	-	-	-
LEGAL UNIT													
Public Records Act Requests Received	5	-	-	-	-	-	-	-	-	-	-	-	5
Owner Move-In Eviction Termination of Tenancy Notices Reviewed	2	-	-	-	-	-	-	-	-	-	-	-	2
Withdrawal from the Rental Market (Ellis Act) Termination of Tenancy Notices Reviewed	-	-	-	-	-	-	-	-	-	-	-	-	-
Substantial Repairs Termination of Tenancy Notices Reviewed	-	-	-	-	-	-	-	-	-	-	-	-	-
Appeal Hearings Held	-	-	-	-	-	-	-	-	-	-	-	-	-
HEARINGS UNIT													
Consultations with Hearings Unit Coordinator By Phone	29	-	-	-	-	-	-	-	-	-	-	-	29
Hearings-Related Questions Addressed by Email	20	-	-	-	-	-	-	-	-	-	-	-	20
TOTAL HEARINGS-RELATED CONSULTATIONS	49	-	-	-	-	-	-	-	-	-	-	-	49
MNOI Petitions Received (Attachment A)	-	-	-	-	-	-	-	-	-	-	-	-	-
Increase in Occupants Petitions Received (Attachment B)	-	-	-	-	-	-	-	-	-	-	-	-	-
Increase in Space or Services Petitions Received (Attachment C)	1	-	-	-	-	-	-	-	-	-	-	-	1
Restoration of Denied AGA Petitions Received (Attachment D)	-	-	-	-	-	-	-	-	-	-	-	-	-
Landlord Individual Rent Adjustment Petitions Received	1	-	-	-	-	-	-	-	-	-	-	-	1
Landlord Petition to Determine Exempt Status Received	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL LANDLORD PETITIONS RECEIVED	2	-	-	-	-	-	-	-	-	-	-	-	2
Excess Rent or Failure to Return Sec Dep Petitions Received (Attachment A)	-	-	-	-	-	-	-	-	-	-	-	-	-
Decrease in Space/Services or Habitability Petitions Received (Attachment B)	2	-	-	-	-	-	-	-	-	-	-	-	2
Reduction in Number of Tenants Petitions Received (Attachment C)	-	-	-	-	-	-	-	-	-	-	-	-	-
Tenant Petition Based on Multiple Grounds	2	-	-	-	-	-	-	-	-	-	-	-	2
Tenant Petition for Rent Withholding Petitions Received	-	-	-	-	-	-	-	-	-	-	-	-	-
Tenant Petition for Failure to Pay Relocation Payment Petitions Received	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL TENANT PETITIONS RECEIVED	4	-	-	-	-	-	-	-	-	-	-	-	4
Petition for Determination of Occupancy Status	-	-	-	-	-	-	-	-	-	-	-	-	-

**Rent Program
FY2025-26 Monthly Activity Report**

ITEM F-3

	Jul-25	Aug-25	Sep-25	Oct-25	Nov-25	Dec-25	Jan-26	Feb-26	Mar-26	Apr-26	May-26	Jun-26	YTD TOTAL
	MTD ACTUAL	YTD TOTAL											
Petition for Initial Rent Determination	-	-	-	-	-	-	-	-	-	-	-	-	-
Request to Expedite Hearing Process	-	-	-	-	-	-	-	-	-	-	-	-	-
Request for a Continuance of the Hearing Process	-	-	-	-	-	-	-	-	-	-	-	-	-
Subpoena(s)	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL OTHER PETITIONS RECEIVED	-	-	-	-	-	-	-	-	-	-	-	-	-
Decisions Ordered	1	-	-	-	-	-	-	-	-	-	-	-	1
Cases Settled	2	-	-	-	-	-	-	-	-	-	-	-	2
Cases Dismissed	1	-	-	-	-	-	-	-	-	-	-	-	1
Petitions Withdrawn	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL CASES CLOSED	4	-	-	-	-	-	-	-	-	-	-	-	4
Appeals Received	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Open Cases (Tenant Petitions)	10	-	-	-	-	-	-	-	-	-	-	-	10
Total Open Cases (Landlord Petitions)	2	-	-	-	-	-	-	-	-	-	-	-	2
Total Open Cases (Other Petitions)	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL OPEN CASES	12	-	-	-	-	-	-	-	-	-	-	-	12
Form Submissions													
Agent Authorization	-	-	-	-	-	-	-	-	-	-	-	-	-
Proof of Excess Rent Refund	-	-	-	-	-	-	-	-	-	-	-	-	-
Proof of Permanent Relocation Payment	2	-	-	-	-	-	-	-	-	-	-	-	2
Proof of Temporary Relocation Payment	-	-	-	-	-	-	-	-	-	-	-	-	-
Change in Terms of Tenancy	-	-	-	-	-	-	-	-	-	-	-	-	-
Tenancy Registration Forms Processed	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL RENT INCREASE NOTICES FILED	148	-	-	-	-	-	-	-	-	-	-	-	148
Termination of Tenancy - Nonpayment of Rent	143	-	-	-	-	-	-	-	-	-	-	-	143
Termination of Tenancy - Breach of Lease	12	-	-	-	-	-	-	-	-	-	-	-	12
Termination of Tenancy - Failure to Give Access	-	-	-	-	-	-	-	-	-	-	-	-	-
Termination of Tenancy - Nuisance	-	-	-	-	-	-	-	-	-	-	-	-	-
Termination of Tenancy - Withdrawal from the Rental Market	-	-	-	-	-	-	-	-	-	-	-	-	-
Termination of Tenancy - Owner Move-In	2	-	-	-	-	-	-	-	-	-	-	-	2
Termination of Tenancy - Substantial Repairs	2	-	-	-	-	-	-	-	-	-	-	-	2
Termination of Tenancy - Temporary Tenancy	-	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL TERMINATION OF TENANCY NOTICES FILED	159	-	-	-	-	-	-	-	-	-	-	-	159

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: August 27, 2025

Final Decision Date Deadline: August 27, 2025

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

- | | | |
|---|--|--|
| <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 2024-25 and FY 2025-26 Monthly Revenue and Expenditure Report through June and July 2025 – Rent Program (Fred Tran 620-6537).

AGENDA ITEM NO:

F-4.

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ITEM F-4 ATTACHMENT 1

RICHMOND RENT PROGRAM MONTHLY REVENUE AND EXPENDITURES REPORT FISCAL YEAR 2024-25

OBJECT	ORIGINAL BUDGET	ADOPTED BUDGET	Period 1	Period 2	Period 3	Period 4	Period 5	Period 6	Period 7	Period 8	Period 9	Period 10	Period 11	Period 12	ENCUMBRANCES	YTD TOTAL	AVAILABLE BUDGET	% USED
			July	August	September	October	November	December	January	February	March	April	May	June				
340445 Rental Housing Fees	(3,299,011)	(3,289,011)	(28,917.00)	(783,730.20)	(880,506.80)	(559,214.23)	(45,216.75)	(49,595.25)	(66,176.50)	(134,284.50)	(146,823.60)	(66,965.50)	(32,969.50)	(39,264.50)	-	(2,833,664.33)	(455,346.67)	86.2%
TOTAL LICENSES, PRMITS&FEES	(3,299,011)	(3,289,011)	(28,917.00)	(783,730.20)	(880,506.80)	(559,214.23)	(45,216.75)	(49,595.25)	(66,176.50)	(134,284.50)	(146,823.60)	(66,965.50)	(32,969.50)	(39,264.50)	-	(2,833,664.33)	(455,346.67)	86.2%
361701 Interest	(50,000)	(50,000)	-	-	(14,458.22)	-	-	(25,135.51)	(4,536.03)	-	(18,595.42)	(4,729.18)	-	(19,554.21)	-	(87,008.57)	37,008.57	174.0%
361705 Realized Gain	-	-	914.66	-	(668.51)	(3,200.38)	3,200.38	-	(849.49)	-	(694.56)	-	-	(5,334.36)	-	(6,832.26)	6,832.26	0.0%
TOTAL INTEREST & REALIZED INCOME	(50,000)	(50,000)	914.66	-	(15,126.73)	(3,200.38)	3,200.38	(25,985.00)	(4,536.03)	-	(19,289.98)	(4,729.18)	-	(25,088.57)	-	(93,840.83)	43,840.83	187.7%
364855 OTHER REV/Misc Other Re	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
364867 Revenue from Collections Agency	(50,000)	(50,000)	-	-	-	-	-	-	(65.80)	-	-	(8.00)	-	(15.00)	-	(88.80)	(49,911.20)	0.2%
337373 Other Grants	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0.0%
TOTAL OTHER REVENUE	(50,000)	(50,000)	-	-	-	-	-	-	(65.80)	-	-	(8.00)	-	(15.00)	-	(88.80)	(49,911.20)	0.2%
TOTAL REVENUE	(3,399,011)	(3,389,011)	(28,002.34)	(783,730.20)	(895,633.53)	(562,414.61)	(42,016.37)	(75,580.25)	(70,778.33)	(134,284.50)	(166,113.58)	(71,702.68)	(32,969.50)	(64,368.07)	-	(2,927,598.96)	(461,417.04)	86.4%
400001 SALARIES & WAGES/Executive	984,703	984,703	80,343.73	78,067.84	78,067.84	78,067.84	85,569.41	83,197.22	85,043.98	85,043.98	85,043.98	85,043.98	75,354.51	70,729.98	-	969,574.29	15,129.08	98.5%
400002 SALARIES & WAGES/Mgmt-Local 21	467,164	467,164	36,198.82	36,632.32	37,384.68	37,008.50	37,484.80	38,984.18	38,984.18	38,984.18	38,984.18	39,529.06	39,529.06	39,529.06	-	456,712.46	10,451.71	97.8%
400003 SALARIES & WAGES/Local 1021	360,875	360,875	23,492.68	21,997.87	20,614.68	23,492.68	26,310.40	26,985.52	26,753.93	27,521.12	27,521.12	27,575.86	27,575.86	27,575.86	-	302,966.27	57,908.73	84.0%
400006 SALARIES & WAGES/PT-Temp	47,000	47,000	2,561.11	7,247.97	5,181.09	5,370.85	6,302.43	5,718.09	8,756.20	9,064.81	7,614.43	8,281.91	6,834.48	13,733.49	-	86,666.86	(39,666.86)	184.4%
400031 OVERTIME/General	2,500	2,500	1,038.11	90.64	-	-	89.28	-	-	-	-	-	-	-	-	2,037.62	462.38	81.5%
400043 400043 OTHER PAY/Acting Pay -	-	-	-	925.03	1,820.90	2,029.40	632.45	1,403.90	1,855.65	1,838.88	2,046.09	2,053.32	816.99	15,432.61	-	15,432.61	(15,432.61)	100.0%
400048 OTHER PAY/Bilingual Pay	14,289	14,289	939.30	939.30	1,081.20	1,033.90	1,033.90	1,043.26	1,043.26	1,043.26	1,047.08	948.18	848.18	12,034.72	-	2,254.04	84.2%	
400049 OTHER PAY/Auto Allowance	4,200	4,200	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	350.00	-	4,200.00	-	100.0%
400053 OTHER PAY/Pension Credit	19,694	19,694	1,586.19	1,541.58	1,541.58	1,541.58	1,689.24	1,643.65	1,679.50	1,679.50	1,679.50	1,679.50	1,485.71	1,393.22	-	19,140.75	553.25	97.2%
400058 OTHER PAY/Bonuses	-	-	-	-	-	-	-	2,400.00	-	-	-	-	-	-	-	2,400.00	-	100.0%
TOTAL SALARIES AND WAGES	1,900,425	1,900,425	145,760.46	147,809.99	145,246.74	148,686.25	157,564.84	159,157.29	166,790.72	164,775.31	163,712.22	164,953.86	154,131.12	154,976.78	-	1,871,165.58	29,259.42	98.5%
400103 P-ROLL BEN/Medicare Tax-ER Shr	26,457	26,457	2,106.52	2,128.07	2,087.48	2,140.10	2,270.23	2,317.58	2,365.16	2,370.74	2,366.22	2,373.33	2,222.09	2,235.67	-	26,983.19	(526.19)	102.0%
400105 P-ROLL BEN/Health Insurance Be	326,838	326,838	24,162.60	24,143.27	24,143.27	24,143.27	24,143.27	26,375.46	26,375.46	26,375.46	26,375.46	26,375.46	25,399.87	30,488.31	-	304,388.31	22,449.69	93.1%
400106 P-ROLL BEN/Dental Insurance	19,418	19,418	1,502.93	1,502.93	1,502.93	1,502.93	1,502.93	1,502.93	1,502.93	1,502.93	1,502.93	1,502.93	1,502.93	1,502.93	-	19,418.00	(2,005.07)	112.4%
400109 P-ROLL BEN/Employee Assistance	252	252	19.89	19.89	19.89	19.89	19.89	19.89	19.89	19.89	19.89	19.89	19.89	19.89	-	237.15	14.85	94.1%
400110 P-ROLL BEN/Professional Dev-Mg	6,750	6,750	750.00	1,405.57	-	-	340.00	1,221.36	-	-	-	-	-	2,451.93	-	4,298.07	36.3%	
400111 P-ROLL BEN/Vision	2,324	2,324	180.31	180.31	180.31	180.31	180.31	180.31	180.31	180.31	180.31	180.31	180.31	374.27	-	2,357.68	(33.68)	101.4%
400112 P-ROLL BEN/Life Insurance	4,047	4,047	332.33	332.33	332.33	332.33	332.33	332.33	332.33	332.33	332.33	332.33	493.46	438.49	-	4,255.25	(208.25)	105.1%
400114 P-ROLL BEN/Long Term Disability	13,025	13,025	711.25	709.23	737.46	715.49	745.27	758.16	790.14	793.24	791.95	793.24	719.91	719.91	-	8,982.15	4,042.85	69.0%
400116 P-ROLL BEN/Unemployment Ins	6,384	6,384	608.00	608.00	608.00	608.00	608.00	570.00	646.00	646.00	646.00	646.00	608.00	608.00	-	7,410.00	(1,026.00)	116.1%
400117 P-ROLL BEN/Personal/Prof Dev	3,750	3,750	-	-	-	-	747.54	-	-	-	750.00	-	-	-	-	1,497.54	2,252.46	39.9%
400121 P-ROLL BEN/Worker Comp-Clerical	-	-	634.05	-	(634.05)	6,801.19	6,801.19	(13,602.38)	-	-	-	-	-	-	-	-	-	100.0%
400122 P-ROLL BEN/Worker Comp-Prof	81,614	81,614	5,097.37	-	15,306.20	-	-	20,403.57	6,801.19	6,801.19	6,801.19	6,801.19	6,801.19	6,801.19	-	81,614.00	-	100.0%
400127 P-ROLL BEN/OP&B	-	-	2,182.33	2,147.69	2,159.50	-	-	(6,489.52)	-	-	-	-	-	-	-	-	-	100.0%
400130 P-ROLL BEN/PARS Benefits	-	-	94.23	80.68	93.49	109.47	82.55	133.98	141.96	96.88	66.80	45.68	122.36	1,102.14	-	1,102.14	(1,102.14)	100.0%
400149 P-ROLL BEN/PERS-Misc	240,175	240,175	18,721.45	18,263.81	18,199.60	18,525.32	19,520.79	19,643.10	20,177.94	20,147.21	20,355.59	20,666.65	19,470.90	18,751.10	-	232,443.46	7,731.54	96.8%
400151 P-ROLL BEN/PERS-Misc (UAL)	274,260	274,260	24,753.82	21,222.24	21,222.24	21,222.24	21,222.24	21,222.24	21,222.24	21,222.24	21,222.24	22,854.72	22,854.72	58,812.88	-	307,532.36	(33,272.36)	112.1%
TOTAL FRINGE BENEFITS	1,005,294	1,005,294	81,796.91	71,492.57	85,945.84	76,284.56	77,795.92	75,285.12	80,547.57	80,530.40	89,919.29	82,612.85	81,294.54	119,576.42	-	1,003,081.99	2,212.31	99.8%
400201 PROF SVCS/Professional Svcs	90,700	90,700	425.15	825.00	-	-	1,172.93	3,205.76	633.42	1,973.91	3,987.90	1,088.53	4,186.41	19,129.08	-	20,519.27	41,051.65	49.1%
400206 PROF SVCS/Legal Serv Cost	275,000	275,000	-	16,666.00	-	33,332.00	16,666.00	16,666.00	16,666.00	33,332.00	33,332.00	23,504.11	20,454.41	48,220.29	-	225,506.81	-	100.0%
400220 PROF SVCS/Info Tech Ser	2,500	2,500	-	-	-	-	2,500.00	-	-	-	-	-	-	-	-	2,500.00	-	100.0%
400245 TRAVEL & TRNG/Tuition R	-	-	-	610.50	-	-	-	-	-	-	-	-	-	-	-	610.50	(610.50)	100.0%
400261 DUES & PUB/Memberships & Dues	2,025	2,025	-	-	-	-	-	-	-	-	551.00	612.95	-	-	-	1,163.95	861.05	57.5%
400263 DUES & PUB/Subscription	7,500	7,500	-	-	-	1,255.11	-	884.14	-	359.20	-	-	-	1,954.76	-	4,453.21	3,046.79	59.4%
400271 AD & PROMO/Advertising&Promo	3,000	3,000	-	-	-	649.00	-	-	-	-	-	500.00	-	2,478.01	-	2,478.01	521.99	82.6%
400280 ADM EXP/Program Supplies	6,881	6,881	-	172.80	-	1,014.23	-	1,868.54	-	61.40	-	-	-	2,387.11	-	5,504.08	1,376.92	80.0%
TOTAL PROF & ADMIN SERVICES	387,606	377,606	-	17,263.95	1,435.50	38,304.44	20,132.16	20,591.61	19,871.76	1,054.02	35,856.91	28,604.96	21,542.94	58,077.58	68,622.27	262,735.83	46,247.90	87.8%
400231 OFF EXP/Postage & Mailing	30,000	30,000	3,280.95	-	-	8,550.42	500.58	723.51	494.68	1,498.31	-	388.04	1,094.39	-	-	16,530.88	13,469.12	0.0%
400232 OFF EXP/Printing & Binding	30,000	30,000	-	-	-	2,091.90	382.32	-	373.15	64.05	349.80	-	243.27	-	-	4,039.53	25,960.47	13.5%
400304 RENTAL EXP/Equipment Rental	9,000	9,000	-	-	-	1,679.19	-	(2,700.24)	331.38	1,119.46	1,119.46	268.89	-	5,655.96	1,525.66	7,474.10	0.24	100.0%
400338 Recognition	300	300	-	-	-													

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RICHMOND RENT PROGRAM
MONTHLY REVENUE AND EXPENDITURES REPORT
FISCAL YEAR 2025-26

ITEM F-4
ATTACHMENT 2

Period 1
 July

OBJECT	ORIGINAL BUDGET	ADOPTED BUDGET	MTD ACTUAL	ENCUMBRANCES	YTD TOTAL	AVAILABLE BUDGET	% USED
340445 Rental Housing Fees	(3,594,258)	(3,594,258)	(15,939.00)	-	(15,939.00)	(3,578,319.29)	0.4%
TOTAL LICENSES, PRMITS&FEES	(3,594,258)	(3,594,258)	(15,939.00)	-	(15,939.00)	(3,578,319.29)	0.4%
361701 Interest	(50,000)	(50,000)	-	-	-	(50,000.00)	0.0%
361705 Realized Gain	-	-	5,284.25	-	5,284.25	(5,284.25)	0.0%
TOTAL INTEREST & REALIZED INCOME	(50,000)	(50,000)	5,284.25	-	5,284.25	(55,284.25)	-10.6%
364855 OTHER REV/Misc Other Re	-	-	-	-	-	-	0.0%
364867 Revenue from Collections Agency	(50,000)	(50,000)	-	-	-	(50,000.00)	0.0%
337373 Other Grants	-	-	-	-	-	-	0.0%
TOTAL OTHER REVENUE	(50,000)	(50,000)	-	-	-	(50,000.00)	0.0%
TOTAL REVENUE	(3,694,258)	(3,694,258)	(10,654.75)	-	(10,654.75)	(3,683,603.54)	0.3%
400001 SALARIES & WAGES/Executive	975,978	975,978	70,725.98	-	70,725.98	905,252.02	7.2%
400002 SALARIES & WAGES/Mgmt.-Local 21	580,913	580,913	40,049.20	-	40,049.20	540,863.55	6.9%
400003 SALARIES & WAGES/Local 1021	403,995	403,995	27,575.86	-	27,575.86	376,419.01	6.8%
400006 SALARIES & WAGES/PT- Temp	70,000	70,000	3,911.39	-	3,911.39	66,088.61	5.6%
400031 OVERTIME/General	2,500	2,500	-	-	-	2,500.00	0.0%
400043 OTHER PAY/Acting Pay	-	-	-	-	-	-	100.0%
400048 OTHER PAY/Bilingual Pay	15,500	15,500	2,776.32	-	2,776.32	12,723.68	17.9%
400049 OTHER PAY/Auto Allowance	2,800	2,800	848.18	-	848.18	1,951.82	30.3%
400053 OTHER PAY/Pension Credi	18,356	18,356	350.00	-	350.00	18,005.62	1.9%
400058 OTHER PAY/Bonuses	22,800	22,800	-	-	-	22,800.00	0.0%
TOTAL SALARIES AND WAGES	2,092,841	2,092,841	147,630.15	-	147,630.15	1,922,411.09	7.1%
400103 P-ROLL BEN/Medicare Tax-ER Shri	29,192	29,192	2,135.11	-	2,135.11	27,056.60	7.3%
400105 P-ROLL BEN/Health Insurance Be	360,621	360,621	24,130.97	-	24,130.97	336,490.42	6.7%
400106 P-ROLL BEN/Dental Insurance	21,425	21,425	1,387.32	-	1,387.32	20,037.81	6.5%
400109 P-ROLL BEN/Employee Assistance	278	278	18.36	-	18.36	259.69	6.6%
400110 P-ROLL BEN/Professional Dev-Mg	7,500	7,500	410.00	-	410.00	7,089.71	5.5%
400111 P-ROLL BEN/Vision	2,564	2,564	166.44	-	166.44	2,397.78	6.5%
400112 P-ROLL BEN/Life Insurance	4,465	4,465	438.49	-	438.49	4,026.83	9.8%
400114 P-ROLL BEN/Long Term Disability	14,371	14,371	722.64	-	722.64	13,648.68	5.0%
400116 P-ROLL BEN/Unemployment Ins	7,044	7,044	608.00	-	608.00	6,435.88	8.6%
400117 P-ROLL BEN/Personal/Prof Dev	3,750	3,750	-	-	-	3,749.62	0.0%
400121 P-ROLL BEN/Worker Comp-Clerical	4,691	4,691	-	-	-	4,691.31	0.0%
400122 P-ROLL BEN/Worker Comp-Prof	85,695	85,695	7,141.25	-	7,141.25	78,553.75	8.3%
400127 P-ROLL BEN/OPEB	-	-	-	-	-	-	100.0%
400130 P-ROLL BEN/PARS Benefits	-	-	34.09	-	34.09	(34.09)	100.0%
400149 P-ROLL BEN/PERS-Misc	265,001	265,001	17,997.19	-	17,997.19	247,003.33	6.8%
400151 P-ROLL BEN/PERS-Misc (UAL)	302,609	302,609	23,729.68	-	23,729.68	278,879.02	7.8%
TOTAL FRINGE BENEFITS	1,109,206	1,109,206	78,919.54	-	78,919.54	1,030,286.31	7.1%
400201 PROF SVCS/Professional Svcs	93,700	93,700	1,865.00	35,322.00	1,865.00	56,513.00	39.7%
400206 PROF SVCS/Legal Serv Cost	275,000	275,000	-	200,000.00	-	75,000.00	72.7%
400220 PROF SVCS/Info Tech Ser	2,500	2,500	-	-	-	2,500.00	0.0%
400245 TRAVEL & TRNG/Tuition R	-	-	-	-	-	-	100.0%
400261 DUES & PUB/Memberships & Dues	2,025	2,025	-	-	-	2,025.00	0.0%
400263 DUES & PUB/Subscription	7,500	7,500	804.80	-	804.80	6,695.20	10.7%
400271 AD & PROMO/Advertising&Promo	3,000	3,000	172.66	-	172.66	2,827.34	5.8%
400280 ADM EXP/Program Supplies	6,881	6,881	172.80	-	172.80	6,708.20	2.5%
TOTAL PROF & ADMIN SERVICES	390,606	390,606	3,015.26	235,322.00	3,015.26	152,268.74	61.0%
400231 OFF EXP/Postage & Mailing	30,000	30,000	-	-	-	30,000.00	0.0%
400232 OFF EXP/Printing & Binding	30,000	30,000	-	-	-	30,000.00	0.0%
400304 RENTAL EXP/Equipment Rental	9,000	9,000	-	8,500.00	-	500.00	94.4%
400338 Recognition	300	300	-	-	-	300.00	0.0%
400341 OFF SUPP/Office Supplies	8,000	8,000	71.76	-	71.76	7,928.24	0.9%
TOTAL OTHER OPERATING	77,300	77,300	71.76	8,500.00	71.76	68,728.24	11.1%
400401 UTILITIES/Tel & Telegraph	500	500	-	-	-	500.00	0.0%
TOTAL UTILITIES	500	500	-	-	-	500.00	0.0%
400552 PROV FR INS LOSS/Ins Gen Liab	9,500	9,500	-	-	-	9,500.00	0.0%
TOTAL PROVISION FOR INS LOSS	9,500	9,500	-	-	-	9,500.00	0.0%
400574 COST POOL/(ISF)-Gen Liability	104,979	104,979	8,748.30	-	8,748.30	96,231.00	8.3%
400586 COST POOL/(CAP)- Admin Charges	52,481	52,481	4,373.00	-	4,373.00	48,108.00	8.3%
400591 COST POOL/(IND)Civic Ctr Alloc	56,218	56,218	4,684.00	-	4,684.00	51,534.00	8.3%
TOTAL COST POOL	213,678	213,678	17,805.30	-	17,805.30	195,873.00	8.3%
391994 391994 TRANSFER IN/From Gen Fund	(299,373)	(299,373)	(24,948.30)	-	(24,948.30)	(274,425.00)	8.3%
90 OPER XFERS IN	(299,373)	(299,373)	(24,948.30)	-	(24,948.30)	(274,425.00)	8.3%
TOTAL EXPENDITURES	3,594,258	3,594,258	222,493.71	243,822.00	222,493.71	3,105,142.38	13.0%
NET OPERATING (SURPLUS)/DEFICIT	(100,000)	(100,000)	211,838.96	243,822.00	211,838.96	(578,461)	
CASH BALANCE			1,262,443.54				

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: August 27, 2025

Final Decision Date Deadline: August 27, 2025

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 fourth quarter ending June 30, 2025, 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

- | | | |
|---|--|--|
| <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 fourth quarter ending June 30, 2025 – Rent Program (Fred Tran 620-6537).

AGENDA ITEM NO:

F-5.

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RICHMOND RENT PROGRAM
 BUDGET VS ACTUAL REPORT - REVENUES AND EXPENDITURES
 QUARTER ENDED JUNE 30, 2025

	QUARTER ENDED for 6/30/2025			YEAR-TO-DATE as of 6/30/2025			VARIANCE EXPLANATION (a)
	BUDGET	ACTUAL	VARIANCE	BUDGET	ACTUAL	VARIANCE	
REVENUES							
Fees (includes revenue from collections agency)	\$ (164,951)	\$ (139,200)	\$ 25,751	\$ (3,289,011)	\$ (2,833,664)	\$ 455,347	Less collections due to implementation of new Land Management System
Other Income	(25,000)	(29,841)	(4,841)	(100,000)	(93,930)	6,070	
TOTAL REVENUES	(189,951)	(169,040)	20,910	(3,389,011)	(2,927,594)	461,417	
EXPENDITURES							
Salaries & Wages							
SALARIES & WAGES/Executive	246,176	231,128	15,047	984,703	969,574	15,129	
SALARIES & WAGES/Mgmt-Local 21	116,791	118,042	(1,251)	467,164	456,712	10,451	
SALARIES & WAGES/Local 1021	90,219	82,673	7,546	360,875	302,966	57,909	
SALARIES & WAGES/PT- Temp	11,750	28,850	(17,100)	47,000	86,667	(39,667)	Budgeted intern, acting pay to assist with the vacancy of an Office Trainee recruitment on going, Q1 2025-26 hire
OVERTIME/General	625	-	625	2,500	2,038	462	
OTHER PAY/Acting	-	4,916	(4,916)	-	15,433	(15,433)	Budgeted intern, acting pay to assist with the vacancy of an Office Trainee recruitment on going, Q1 2025-26 hire
OTHER PAY/Bilingual Pay	3,572	2,843	729	14,289	12,035	2,254	
OTHER PAY/Auto Allowance	1,050	1,050	-	4,200	4,200	-	
OTHER PAY/Pension Credit	4,924	4,558	365	19,694	19,141	553	
OTHER PAY/Pension Credit	-	-	-	-	2,400	(2,400)	Holiday bonus for Student Interns not budgeted - City approved policy in December 2024
Subtotal Salaries & Wages	475,106	474,062	1,044	1,900,425	1,871,166	31,659	
Benefits							
P-ROLL BEN/Medicare Tax-ER Shri	6,614	6,831	(217)	26,457	26,983	(526)	
P-ROLL BEN/Health Insurance Benefit	81,710	78,151	3,559	326,838	304,388	22,450	
P-ROLL BEN/Dental Insurance	4,855	8,300	(3,446)	19,418	21,827	(2,409)	
P-ROLL BEN/Employee Assistance	63	58	5	252	237	15	
P-ROLL BEN/Professional Dev-Mg	1,688	-	1,688	6,750	2,452	4,298	Staff utilized less professional development allocated for the fiscal year
P-ROLL BEN/Vision	581	735	(154)	2,324	2,358	(34)	
P-ROLL BEN/Life Insurance	1,012	1,264	(253)	4,047	4,255	(208)	
P-ROLL BEN/Long Term Disability	3,256	2,233	1,023	13,025	8,982	4,043	Less LTD Insurance paid and budgeted by Finance
P-ROLL BEN/Unemployment Ins	1,596	1,862	(266)	6,384	7,410	(1,026)	
P-ROLL BEN/Personal/Prof Dev	938	-	938	3,750	1,498	2,252	Staff utilized less professional development allocated for the fiscal year
P-ROLL BEN/Worker Comp-Clerical	-	-	-	-	-	-	
P-ROLL BEN/Worker Comp-Prof	20,404	20,404	(0)	81,614	81,614	-	
P-ROLL BEN/OPEB	-	-	-	-	-	-	
P-ROLL BEN/PARS Benefits	-	235	(235)	-	1,102	(1,102)	PARS charge was not originally budgeted by HR and Finance
P-ROLL BEN/PERS-Misc.	60,044	58,889	1,155	240,175	232,443	7,732	
P-ROLL BEN/PERS-Misc. (UAL)	68,565	104,522	(35,957)	274,260	307,532	(33,272)	
Subtotal Benefits	251,324	283,484	(32,160)	1,005,294	1,003,082	2,212	
Professional & Administrative Services							
PROF SVCS/Professional Sacs	20,175	9,263	10,912	80,700	20,519	60,181	Less interpretation and translation services used in the fiscal year
PROF SVCS/Legal Serv Cost	68,750	92,179	(23,429)	275,000	225,507	49,493	Legal Services with one vendor was delayed due to contract negotiation with agency
PROF SVCS/Info Tech Ser	625	-	625	2,500	2,500	-	
TRAVEL & TRNG/Tuition R	-	-	-	-	611	(611)	Staff budgeted in P-ROLL BEN/Professional Dev-Mg
DUES & PUB/Memberships & Dues	506	613	(107)	2,025	1,164	861	Staff did not utilize all legal dues in current year
DUES & PUB/Memberships & Dues	1,875	1,955	(80)	7,500	4,453	3,047	Property subscription was deferred for part of the year due to new land management system implementation
Ad & Promo/Advertising & Promo Materials	750	1,829	(1,079)	3,000	2,478	522	Less outreach materials purchased in year
Adm Exp/Program Supplies	1,720	2,387	(667)	6,881	5,504	1,377	
Subtotal Professional, Travel, & Admin Services	94,402	108,225	(13,824)	377,606	262,736	114,870	
Other Operating Expenditures							
OFF EXP/Postage & Mailing	7,500	1,482	6,018	30,000	16,531	13,469	Less Guides have been printed and sent out in current year
OFF EXP/Printing & Binding	7,500	778	6,722	30,000	4,040	25,960	Less Guides have been printed and sent out in current year
RENTAL EXP/Equipment Rental	2,250	5,925	(3,675)	9,000	7,474	1,526	Full charges for copier shared with the City have not been charged to the Program, awaiting invoice
RECOGNITION	75	-	75	300	-	300	No charges for Recognition in the current quarter, expected in 1st quarter FY 2025-26
OFF SUPPI/Office Supplies	2,000	1,573	427	8,000	6,343	1,657	Less office supplies were purchased in fiscal year
UTILITIES/Tel & Telegraph	125	-	125	500	-	500	Expenditures for line item have not been utilized
PROV FR INS LOSS/Ins Gen Liability	2,375	-	2,375	9,500	9,114	386	
COST POOL/(ISF)-Gen Liability	24,995	24,996	(1)	99,980	99,980	-	
COST POOL/(CAP)- Admin Charges	13,120	13,119	1	52,481	52,481	-	
COST POOL/(IND)/Civic Ctr Alok	14,079	14,079	(0)	56,315	56,315	-	
90 OPER XFERS IN	(72,598)	(72,600)	2	(290,391)	(290,391)	-	
Subtotal Other Operating Expenditures	1,421	(10,647)	12,068	5,686	(38,113)	43,799	
TOTAL EXPENDITURES	822,253	855,124	(32,871)	3,289,011	3,098,870	190,141	
NET (REVENUES) TO EXPENDITURES	\$ 632,302	\$ 686,084	\$ (53,782)	\$ (100,000)	\$ 171,276	\$ (271,276)	Less fees collected in last quarter - new land management system implementation delayed collections

(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: August 27, 2025

Final Decision Date Deadline: August 27, 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 waiver, based on the Landlord's reason for requesting the waiver and their payment history. Attached to this recommendation for the month of August 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> | |

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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 August 2025 pursuant to Regulation 425 - Rent Program (Fred Tran/510-620-6537).

AGENDA ITEM NO:

F-6.

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To: Chair Tipton and Members of the Rent Board

From: Fred Tran, Deputy Director

Re: Late Fee Waiver Recommendation – August 2025

Date: August 27, 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 August 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.

**ITEM F-6
ATTACHMENT 1**

Late Fee Waiver Summary – August 27, 2025 Board Meeting

	Property Address or RCB#	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	RCB-510104011	Cathie Kosel 1996 Trust	3/19/2025	New Owner, did not receive invoice	Full waiver of late fees	\$357.00	\$357.00	None
2	RCB-538200008	Vicente Jimenez	4/3/2024	Incorrect address	Full waiver of late fees	\$186.50	\$186.50	None
3	RCB-510093027	Ramon Mingua	3/2/2025	Did not receive invoice	Full waiver of late fees	\$595.00	\$595.00	None
4	RCB-523053022	Gowri Pai	10/10/2023	Owner believed property was exempt from the Rent Ordinance	Deny waiver of late fee	\$125.00		\$125.00
5	RCB-561192007	Miguel Gonzalez	1/18/2024	Other: owner claims a check was mailed to the city and it was not processed	Full waiver of late fees	\$125.00	\$125.00	None
6	RCB-509180003	The Alfred & Reba Rodrigues Family Trust	2/29/2024	Hospitalization and wrong mailing address	Full waiver of late fees	\$392.50	\$392.50	None
7	RCB-524310015	Julio & Miriam Mendez	9/26/2024	Did not receive invoice	Full waiver of late fees	\$62.50	\$62.50	None
8	RCB-22-538330032	Salvador Guiza-Servin	6/21/2024	Did not receive invoice	Full waiver of late fees	\$1,778.00	\$1,778.00	None
9	RCB-530070017	Kahtan Alansi	10/4/2023	Did not receive invoice	Full waiver of late fees	\$2,486.00	\$2,486.00	None
10	RCB-534411003	M K Shokrollahi	9/27/2023	Unable to collect rent due to COVID-19 pandemic, hardship	Full waiver of late fees	\$429.00	\$429.00	None
11	RCB-22-408043013	SPR Homes LLC	7/16/2024	New Owner, did not receive invoice	Full waiver of late fees	\$3,091.00	\$3,091.00	None
12	RCB-528230010	Phydalis McMullen	9/21/2023	Wrong mailing address	Full waiver of late fees	\$1,808.00	\$1,808.00	None
13	RCB-538270022	Doris Franco	11/4/2023	Did not receive invoice	Full waiver of late fees	\$12.50	\$12.50	None
14	516130012	Dilip Tamang	1/9/2024	Payment was mailed, but not received	Full waiver of late fees	\$226.00	\$226.00	None
15	RCB-515350011	James Stacey	8/28/2023	New Owner, did not receive invoice	Full waiver of late fees	\$1,483.00	\$1,483.00	None
16	RCB-550242024	Michael Hughey	4/2/2025	Previously enrolled property was not billed as a result of staff error.	Full waiver of late fees	\$2,025.00	\$2,025.00	None
17	RCB-558282010	Patricia Pearson A. TRE	1/3/2024	Hospitalization or medical treatments of the Landlord or Landlord's family during the fee billing period	Full waiver of late fees	\$330.00	\$330.00	None
18	RCB-527100007	Paul & Mayrean Planchon	1/24/2024	Financial hardship, hospitalization, did not receive invoice	Full waiver of late fees	\$2,089.50	\$2,089.50	None
19	RCB-22-509360034	Miguel Ramirez	3/3/2025	Wrong mailing address	Full waiver of late fees	\$1,115.00	\$1,115.00	None
20								
21								
22								
23								
Total						\$18,716.50	\$18,591.50	

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CONSIDERATION OF APPEALS

ITEM G-1:

APPEAL to Petition No. RC24-T274: Both parties appeal a Hearing Examiner's Decision that ultimately awarded the tenant \$882.29, due to the temporary loss of access to the following spaces: backyard, front patio, back patio, and garage. The landlord contends that the temporary loss of access to the aforementioned areas was due to his need to perform necessary repairs. The landlord further contends that the tenant did not have a right to the garage so that portion of the award should be reversed. Additionally, the landlord challenges the sufficiency of the tenant's evidence, asserting that some of the Tenant's evidence concerns conditions that existed after the petition was filed. Finally, the landlord challenges the timeline of the Hearing Examiner's award and the Hearing Examiner's finding that the landlord acted with "unclean hands".

On the other hand, the tenant submitted a cross-appeal challenging only the portion of the Hearing Examiner's Decision that found that the tenant and the landlord shared the use of the back deck, patio, and the garage. The Tenant described how the Landlord allegedly harassed her in these shared spaces and its unfair that she has to share her deck, where other tenants do not have to share their decks.

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: August 27, 2025

Final Decision Date Deadline: August 27, 2025

STATEMENT OF THE ISSUE: Staff have identified the need to amend portions of Chapter 8 [Petition Process & Hearing Procedures] Rent Board Regulations. The proposed amendments will ensure the Rent Program Staff and Rent Board can carry out their duties to process petitions and hearings more effectively and efficiently.

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 type="checkbox"/> Other: | |
| <input type="checkbox"/> Contract/Agreement | <input checked="" 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: DIRECT staff to create language to amend Chapter 8 Rent Board Regulations to increase effectiveness and efficiency of the petitions and hearings process – Rent Program (Nicolas Traylor 620-6564).

AGENDA ITEM NO:

H-1.

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AGENDA REPORT

DATE: August 27, 2025
TO: Chair Tipton and Members of the Rent Board
FROM: Nicolas Traylor, Executive Director
SUBJECT: AMENDING CHAPTER 8 RENT BOARD REGULATIONS

STATEMENT OF THE ISSUE:

Staff have identified the need to amend portions of Chapter 8 [Petition Process & Hearing Procedures] Rent Board Regulations. The proposed amendments will ensure the Rent Program Staff and Rent Board can carry out their duties to process petitions and hearings more effectively and efficiently.

RECOMMENDED ACTION:

DIRECT staff to create language to amend Chapter 8 Rent Board Regulations to increase effectiveness and efficiency of the petitions and hearings process – Rent Program (Nicolas Traylor 620-6564).

FISCAL IMPACT:

There is no fiscal impact related to this item.

DISCUSSION:

Background

Hearings staff have identified several regulation amendments that would improve administrative efficiency and better clarify the intent of the Fair Rent, Just Cause for Eviction Ordinance (hereafter “Rent Ordinance”). The proposed amendments address the following issues:

Issue #1: Regulation 801 (B) states that a “petitioner must attach to the petition documentation that is adequate to establish eligibility for the rent adjustment that is requested.” Under this regulation, in practice staff may deem petitions as ineligible (or not acceptable) because they lack “adequate” documentation. Allowing staff to determine that

ITEM H-1

a petitioner has or has not attached adequate documentation may lead to an appearance of bias (i.e. appearing to give the petitioner the opportunity to strengthen their case).

Proposed Amendment to Regulation 801 (B): Clarify that acceptability of a petition is not contingent on whether a petitioner has attached adequate documentation.

Issue #2: Regulation 804 establishes the procedures for filing a petition. As currently written, subsection 804(A) describes an unacceptable petition as those “that are not signed by the petitioner, illegible, incomprehensible, erroneously completed, incomplete, lacking proof of service on the opposing party, or for which required fees have not been paid...” Regulation 804(A) does not clarify that unacceptable petitions include those where the subject property is located outside the City of Richmond (and therefore outside the Rent Program’s jurisdiction), is not a Rental Unit, or is a Rental Unit that is fully or partially exempt from the Rent Ordinance.

Proposed Amendment to Regulation 804 (A): Clarify that an “unacceptable” petition includes if the property is outside of the Rent Program’s jurisdiction (e.g. property is not in Richmond), the property is not a Rental Unit (e.g. “Rent Free”) or the Rental Unit is exempt from the provisions that concern Controlled Rental Units, and/or Just Cause for Eviction provisions of the Rent Ordinance.

Issue #3: As Regulation 805 is currently written, if a petitioner submits an unacceptable petition (e.g., missing proof of service, missing signature, or missing attachments), staff notify the petitioner that the filing is incomplete and therefore unacceptable. However, because the regulation does not provide authority for administrative dismissal, the petition remains in the administrative queue even if no corrections are made. This limitation creates a significant administrative burden, as staff may spend months communicating back and forth with petitioners in an effort to resolve deficiencies. Establishing a deadline for correcting incomplete or defective petitions would incentivize petitioners to provide the required information promptly and prevent petitions from remaining in administrative limbo.

Proposed Amendment to Regulation 805 (A) (4) and 805 (B) (4): Clarify that if a petition is deemed unacceptable due to incompleteness, petitioners have 10-business days to resubmit the petition, or the petition will be administratively dismissed (“without prejudice” to allow for the petition to be resubmitted at any time). Clarify that if petitions are determined to be unacceptable because the subject property is outside of the Rent Program’s jurisdiction or is exempt from the Rent Ordinance, staff are authorized to administratively dismiss the petition with prejudice and no opportunity to correct.

DOCUMENTS ATTACHED:

Attachment 1 – Existing Adopted Chapter 8 Rent Board Regulations

CHAPTER 8: PETITION PROCESS & HEARING PROCEDURES

800. (RESERVED)

801. Petitions

- A. Any Landlord or Tenant seeking an individual adjustment of the maximum allowable rent under Section 11.100.070 of the Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance must file a petition in accordance with the procedures set forth in this Chapter.
- B. The petitioner must attach to the petition documentation that is adequate to establish eligibility for the rent adjustment that is requested. The necessary documentation will vary according to the petition and is specified in the appropriate regulation and in the petition form. If the necessary documentation is unavailable, the petitioner's verification of the petition or declaration under penalty of perjury may substitute for the unavailable documentation. It is the policy of the Rent Board that each party submits all supporting evidence as early as possible prior to the hearing. The hearing examiner may refuse to accept documentary evidence at the hearing unless there is good cause for petitioner's failure to submit it prior to the hearing.
- C. The petitioner, whether a Landlord or Tenant, has the burden of proof concerning an individual adjustment of the maximum allowable rent; provided, however, the hearing examiner or Board, in making a decision under this Chapter, retains the discretion to review records, files and order inspections.

[Adopted January 24, 2018]

802. Previous Recent Hearing

Notwithstanding any other provision of this Chapter, the Board or the Executive Director (or designee) may refuse to hold a hearing and/or grant an individual Maximum Allowable Rent adjustment for a rental unit if an individual hearing has been held and decision made with regard to the recent ceiling for such unit within the previous twelve months.

[Adopted January 24, 2018]

803. No Petition Filing Fee

There shall be no fee for filing a petition for individual adjustment of the maximum allowable rent. The Board may institute such a fee at a future date, with any waivers and reductions that it deems appropriate.

[Adopted January 24, 2018]

804. Proper Filing of the Petition

- A. Proper filing of the petition is the responsibility of the petitioner. Provided that the requirements of Regulations 804 (Proper Filing of the Petition) and 805 (Acceptance of

Petitions) are satisfied, a petition is deemed properly filed on the date it is received by the Board if it is acceptable. Board staff will make a preliminary review of each petition after it has been submitted. Petitions that are not signed by the petitioner, illegible, incomprehensible, erroneously completed, incomplete, lack a proof of service on the opposing party or for which the required fees have not been paid will not be considered acceptable.

- B. No Landlord petition for an individual rent adjustment will be accepted for filing unless the unit for which the adjustment is requested has been properly registered and all notices of rent increases, termination of tenancy, or changes in terms of tenancy filed with the Rent Board for at least 30 days. A unit is considered properly registered only if the completed registration statement has been filed with the Board, and the Rental Housing fee, Business License Tax, (plus any late fees) has been paid in full.
- C. A petition by a former Tenant pursuant to these Regulations shall be commenced within three years from the date the Tenant vacated the unit in question.
- D. No individual rent adjustment proceedings will take place for petitions that are not properly filed. The procedures for determining proper filing and allowing an unacceptable petition to be corrected are set out in Regulation 805(A)(4) and 805(B)(4).

[Adopted January 24, 2018]

805. Petition and Noticing Procedures

- A. For rent increase petitions, the following procedure applies:
 - (1) Rent increase petitions may be filed under the following regulations: Chapter 9, Sections 903 (Changes in Number of Tenants), 904 (Change in Space or Services/Code Violations), 905 (Maintenance of Net Operating Income), and 912 (Restoration of Annual General Adjustment).
 - (2) A copy of the rent increase petition and supporting documentation must be served on the Tenants of all units affected by the petition.
 - (3) The Landlord shall file with the Board the original petition, two copies of the documentation required by Regulation 801 and by the Regulation pursuant to which the Petition is filed, and a proof of service by first-class mail or in person of the petition and documentation on each affected Tenant. The Landlord may also file an Agreement of Parties and/or Waiver of Right to Hearing.
 - (4) Board staff shall review the petition and supporting documentation to determine whether they conform with Board regulations and within ten (10) business days shall either mail notice to the Landlord that the petition is not acceptable in its current form, with an explanation of its defects (pursuant to Regulation 805 Petition and Noticing Procedures) or mail a Notice to Opposing Parties to the Tenants and Landlord, as provided in Regulation 808 (Notice to Opposing Parties and Board). For petitions filed pursuant to Regulation 905 (Maintenance of Net Operating Income), the review period shall be

fifteen (15) business days. If a petition is found unacceptable, the Landlord may refile at any time. Acceptance of a petition by Board staff does not mean that the petitioner has submitted adequate documentation to support a decision in petitioner's favor. A Landlord may, at any time prior to submission of the matter for an administrative decision, request that a hearing be held.

- (5) The notice to the Tenant shall include a notice that the Tenant has a right to object to the petition, and that if the Tenant does not object within twenty-one (21) calendar days of the mailing of the notice, or if the Tenant's objection does not specify one or more grounds listed in the notice, the rent for the Tenant's unit may be increased by the applicable amount, based on the information in the Landlord's petition and the Board's files. Failure to file an objection may constitute a waiver of the right to a hearing on objections to the petition.
- (6) A hearing shall be held on the petition and objections thereto, in accordance with Regulation 821 (Hearing), unless no Tenant files an objection within the time allowed, the Landlord has not requested a hearing and the hearing examiner determines that a decision may be rendered on the petition without hearing live testimony. Notwithstanding any other provision of these regulations, Board staff may, upon notice to all parties, request further documentation and/or schedule a hearing on the petition.

B. For Tenant petitions, the following procedure applies:

- (1) Tenant petitions may be filed pursuant to Chapter 9 (Individual Rent Adjustments), Sections 903 (Changes in Number of Tenants), 904 (Change in Space or Services/Code Violations), 911 (Overcharges) and Rent Withholding Petitions pursuant to Chapter 4.
- (2) A copy of the Tenant petition and supporting documentation must be served on the petitioner's Landlord.
- (3) The Tenant shall file with the Board the original petition, two copies of the documentation required by Regulation 801 and by the Regulation pursuant to which the petition is filed, and proof of service by first-class mail or in person of the petition and documentation.
- (4) Board staff shall review the petition and supporting documentation to determine whether they conform to Board Regulations and within five (5) business days shall either mail notice that the petition is not acceptable in its current form, with an explanation of its defects (pursuant to Regulation 805 Petition and Noticing Procedures) or mail a Notice to Opposing Parties to the Landlord and Tenants, as provided in Regulation 808 (Notice to Opposing Parties and Board). If a petition is unacceptable, the Tenant may refile at any time. Acceptance of a petition by Board staff does not mean that the petitioner has submitted adequate documentation to support a decision in petitioner's favor.
- (5) The notice to the Landlord shall include a notice that the Landlord has a right to object to the petition, and that if the Landlord does not object within twenty-one (21) calendar days of the mailing of the notice, or the Landlord's objection does not specify one or more

grounds listed in the notice, the rent for the Tenant's unit may be decreased by the applicable amount, based on the information in the Tenant's petition and the Board's files. Failure to file an objection may constitute a waiver of the right to a hearing on objections to the petition.

(6) A hearing shall be held on the petition and objections thereto, in accordance with Regulation 821 (Hearing), unless neither the Landlord nor the Tenant requests a hearing within the time allowed and the hearing examiner determines that a decision may be rendered on the petition without hearing live testimony. Notwithstanding any other provision of these regulations, Board staff may, upon notice to all parties, request further documentation and/or schedule a hearing on the petition.

C. The time limits set forth in this section will prevail over any other time limits set out elsewhere in these regulations.

[Adopted January 24, 2018; Amended June 19, 2019]

806. Supplemental Information

A. The petitioner shall notify the Board and each opposing party of any material change in the information set forth in the petition, especially a change in the identity of any opposing party, as soon as possible prior to the hearing. When there is a change in the opposing party, the petitioner shall serve the new party in accordance with Sections 805 (Petition and Noticing Procedures). Notice and proof of service shall be in accordance with Section 809 (Notices to Opposing Parties and Board). The new party shall thereafter be provided by the Rent Board with notice of the right to object to the petition.

B. Changes in or additions to the information set forth on the petition may be grounds for a continuance, and may constitute good cause for delaying final Board action under Section 844 (Time for Decision) of these regulations.

C. The party responding to the petition shall notify the Board and each opposing party of any material change in the information set forth in the response to the petition, including any additional objections, as soon as possible prior to the hearing.

[Adopted January 24, 2018]

807. Parties

Parties are the Landlord of the affected property, the Tenants in each affected rental unit (with all the Tenants in one unit constituting one party), and any representatives designated pursuant to Section 834 (Rights of Parties). The person listed as the Landlord in a Tenant petition for rent adjustment shall be the Landlord party, unless the Board is notified to the contrary.

[Adopted January 24, 2018]

808. Notices to Opposing Parties and Board

- A. Manner of Notice: Notice(s) to opposing parties shall be served by first-class or certified mail, or by personal service on the party or the party's representative of record. Personal service shall be performed according to state law. Notices to the Board shall include a proof of service that proper notice was given to the opposing parties, by means of a written declaration by the server under penalty of perjury, stating the names and addresses of parties served and the date and manner of such service.
- B. Notice after Petition Filed: The Board shall notify the opposing parties of the filing of a petition and send each opposing party a response form that includes notice that the party has a right to object to the petition, a statement of possible objections, notice that the party's failure to object within the time specified may constitute a waiver of the right to have a hearing on objections to the petition, and a brief description of the hearing process.
- C. Other Notices: The Board shall send a copy of all notices, to each party, and parties shall send to other parties, a copy of all documents or communications filed with the Board after the filing of the initial petition, except for documents or communications which are filed during the hearing or are confidential.

[Adopted January 24, 2018]

809. Response to Petition

- A. A party wishing to object to the petition may do so on the form provided within twenty-one (21) calendar days of the mailing of the notice required under Section 808(B). Failure to respond may constitute a waiver of the respondent's right to object to the petition. Notwithstanding a party's failure to respond, no petition for an individual rent adjustment shall be granted unless the adjustment is authorized by these regulations and supported by a preponderance of the evidence.
- B. Response to Petitions Filed for Violations of Maximum Allowable Rent. In response to a petition filed solely on the basis of violations of the Maximum Allowable Rent, the Landlord may defend as to the issue of such violations of the Maximum Allowable Rent, but may not counterclaim for an increase of the lawful Maximum Allowable Rent. To make such counterclaims, the Landlord must file a separate petition in accordance with Chapter 8, and Section 802 shall not prevent such a petition from being accepted.

[Adopted January 24, 2018]

810. (RESERVED)

811. Consolidation

- A. All Landlord petitions pertaining to Tenants in the same building and all petitions filed by Tenants occupying the same building shall be consolidated for hearing unless there is a showing of good cause not to consolidate such petitions.
- B. In its discretion, the Board or the hearing examiner may consolidate petitions pertaining to different buildings on the same property or different properties of the same Landlord.

[Adopted January 24, 2018]

812. Confidentiality

- A. Documents filed in connection with an individual rent adjustment proceeding shall be public records unless a party receives a determination by the hearing examiner that a particular document shall be confidential. For any such determination of confidentiality to be made it must be demonstrated that the document in question is exempt under the California Public Records Act (Government Code Section 7921.000 et seq.) or that the public interest served by not making the document public clearly outweighs the public interest served by disclosure of the document. Unless otherwise specified by the hearing examiner, documents determined to be confidential will be available for inspection by the opposing party but not by the general public.
- B. A party seeking a determination that a particular document shall be treated as confidential shall make such a request in writing. The request shall be made at the time that the document in question is offered as evidence or is otherwise required to be produced. The hearing examiner may determine that only a portion of the document is to be treated as confidential, and may make such rulings regarding disclosure to both the opposing party and the general public as are consistent with this Section. The request and the ruling thereon shall be included in the record.

[Adopted January 24, 2018]

813. Expedited Hearings

- A. The Rent Board recognizes that consistency in rulings by the Rent Board and the courts is desirable. Therefore, in order to provide consistency of decisions in cases where both a Rent Board petition and an unlawful detainer action have been filed, the purpose of this Regulation is to ensure that the Rent Board rules on issues which are involved in petitions before it and in unlawful detainer cases prior to the Court ruling on the same issue.
- B. Priority in the scheduling of hearings and in the issuance of decisions shall be given to pending petitions and appeals involving rental units on which eviction proceedings have commenced. An eviction is deemed to commence when either a three (3) or thirty (30) day or less notice to quit has been served. A party may request that a petition or an appeal be given priority by filing a request to expedite, accompanied by a copy of either the notice to quit or the unlawful detainer complaint with the Rent Board and serving a copy of the same on the opposing party.

[Adopted January 24, 2018]

814 – 820. (RESERVED)

821. Hearing

It is the policy of the Rent Board that all petitions and objections be decided on their merits, consistent with due process of law and orderly administrative procedures. The regulations of this Chapter are intended to ensure that each party is given notice of the grounds for a petition and all objections thereto in advance of the hearing so that all parties will be prepared to present their case at the hearing. Accordingly, the hearing shall be limited to the issues raised by the petition and the objections filed thereto, unless the hearing examiner determines that, in the interest of fairness, additional issues or objections should be considered and thereafter takes all necessary steps to ensure that all parties have a full and fair opportunity to respond to new issues, objections or evidence.

[Adopted January 24, 2018]

822. Hearing Examiner

- A. A hearing examiner shall conduct a hearing to determine whether the individual adjustment petition should be granted. The hearing examiners shall have the following powers with respect to cases assigned to them:
- (1) To administer oaths and affirmations;
 - (2) To grant requests for subpoenas and to order the production of evidence;
 - (3) To rule upon offers of proof and receive evidence;
 - (4) To regulate the course of the hearing and rule upon requests for continuances;
 - (5) To call, examine, and cross-examine witnesses, and to introduce evidence into the record;
 - (6) To decide the petition administratively without a hearing if no hearing is requested by the petitioner, the responding party fails to timely file objections, and the record is sufficient to render a decision on the petition without hearing live testimony;
 - (7) To make and file decisions on petitions in accordance with this Chapter;
 - (8) To take any other action that is authorized by this Chapter or other Board Regulation.

[Adopted January 24, 2018]

823. Evidence and Standard of Proof

- A. The hearing examiner may require either party to a rent adjustment hearing to provide any books, records and papers deemed pertinent. All required documents shall be made available to the parties involved, at least ten (10) days prior to the hearing or its continuation, at the offices of the Board.
- B. If the hearing examiner finds good cause to believe that the Board's current information does not reflect the current condition of the rental unit, the hearing examiner shall conduct or request the City to conduct an appropriate building inspection. Any party may also request the hearing examiner to order such an inspection prior to the hearing.

- C. The hearing examiner need not conduct the hearing according to technical courtroom rules of evidence. Any relevant evidence may be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of business regardless of any common law or statutory rule which might exclude such evidence in court proceedings. The hearing examiner may exclude unduly repetitious or irrelevant evidence.
- D. No adjustment in Maximum Allowable Rent shall be granted unless supported by the preponderance of the evidence submitted at the hearing.

[Adopted January 24, 2018]

824. Board Action

The Board, on its own motion or on the request of any party, may hold a hearing on any individual adjustment petition without the petition first being heard by a hearing examiner. For purposes of these regulations, the Board shall be considered a hearing examiner when holding a hearing under this Section. In the event that the Board elects to hold a hearing, the decision of the Board shall be the final decision of the Board, except in cases where the Board decision is to send the issue to a hearing examiner for further review.

[Adopted January 24, 2018]

825. Notice of Hearing

Notice of the time, date and place of hearing shall be mailed to all parties no later than ten (10) days before the scheduled date of the hearing.

[Adopted January 24, 2018]

826. Continuances

- A. The date and time of the hearing may be continued, either before the hearing or at the hearing, if the hearing examiner finds good cause to do so. Such good cause shall be stated in the record and may include, but is not limited to, the failure of a party to receive notice, the illness of a party or witness or other emergency which makes it impossible for a party or witness to appear on the scheduled date, or the failure of a party to provide the hearing examiner with required pertinent information in a timely manner. Mere inconvenience or difficulty in appearing shall not constitute good cause. Continuances may also be granted upon consent of all parties.
- B. Requests for continuances shall be made as soon as possible. A written request for a continuance and the reasons for it must be received by the Board and all other parties at least 48 hours prior to the scheduled hearing, unless good cause is shown for a later request. The written request shall contain acceptable alternative dates and an explanation of what efforts were made to ascertain the position of the other parties regarding the request for a continuance. The request shall be served on both the Board and all opposing parties in accordance with the requirements of Section 808.

- C. The hearing examiner may deny a request for a continuance if it has not been made in compliance with Section 826(B) or where a continuance has previously been granted to the requesting party in the same case.
- D. The Board shall notify the parties if a continuance is granted, and the date and place of the rescheduled hearing.

[Adopted January 24, 2018]

827. Disqualification of Hearing Examiner or Board Member

- A. No hearing examiners or Board members shall take part in any hearing or appeal on a petition for an individual rent adjustment in which the hearing examiner or Board member has a personal financial interest in the outcome (such as being the Landlord of, or a Tenant residing in, the property that is involved in the petition), or a personal bias for or against any party. The hearing examiner's or Board member's general status as a Landlord or Tenant, or political or philosophical beliefs, shall not constitute personal bias.
- B. Hearing examiners or Board members shall disclose to all parties any prior communication with a party concerning the subject of the petition, as well as any possible or apparent personal financial interest or personal bias.
- C. Hearing examiners or Board members may disqualify themselves at any time. In addition, any party may file a written request for disqualification, stating the grounds, with the Executive Director (for hearing examiners) or the Board Chairperson (for Board members) at least 72 hours prior to the hearing. However, if the identity of the hearing examiner or Board member was not known soon enough to allow this, the written request shall be filed as soon as possible but in no event later than the taking of any evidence at the hearing. Any such request shall be ruled upon prior to the taking of any evidence at the hearing.

[Adopted January 24, 2018]

828. Subpoenas

The hearing examiner may by order or subpoena require that either party or any other person provide her/him with any books, records, papers, or other evidence deemed pertinent to the petition or that any witness appear and testify. All documents required under this provision shall be made available to the parties at least ten (10) days prior to the hearing, at the office of the Board. Parties to the hearing shall have the right to request the hearing examiner to issue subpoenas on their behalf, but the responsibility for service of such subpoenas remains with the requesting party. The subpoena shall disclose on its face at whose request it has been issued and that it is issued in the name of the Board.

[Adopted January 24, 2018]

829. Stipulations

The parties, by written stipulation filed with the hearing examiner, may agree upon some or all of the facts or evidence involved in the hearing. Stipulations may also be made orally at the hearing.

Any fact or evidence which is the subject of a stipulation shall be treated as having been established by a preponderance of the evidence.

[Adopted January 24, 2018]

830. (RESERVED)

831. Ex-Parte Communications

There shall be no communications regarding any pending case outside of the hearing between the hearing examiner assigned to the case and any party, representative or witness in any case pending before the hearing examiner until the hearing examiner has completed the written decision in that case, except for discussions about requests for continuances, building inspections or determinations of confidentiality, prehearing discussions pursuant to Regulation 832, where both parties or their representatives have an opportunity to be present, or orders by the hearing examiner to produce evidence pursuant to Regulation 826. There may be communications on any matters with other Board staff.

[Adopted January 24, 2018]

832. Agreement Prior to Hearing

- A. The parties may make a prehearing agreement. The Board staff may contact the parties in an effort to clarify the issues and/or to reach agreement on the individual adjustment prior to the hearing. Any agreement between the parties prior to a hearing must be approved by the Hearing Examiner in accordance with the provisions of this Chapter.
- B. Any agreement made by the parties at the prehearing or hearing shall be made on the record and recorded. The terms of the agreement shall be read to the parties, and the parties shall state that they understand the terms of the agreement, that they do not want a hearing on the petition, and that they voluntarily agree to the terms of the agreement.
- C. Parties shall submit any proposed joint agreement in writing to the Board staff. The hearing examiner shall approve or reject the agreement as soon as possible. Written notice of the determination shall be mailed to the parties. The notice shall contain the reasons for any rejection. The agreement and its approval or rejection shall be entered into the record.
- D. Parties who prior to a hearing reach an agreement on an individual adjustment which is approved by the Hearing Examiner shall be deemed to have waived their rights to a hearing or appeal on the petition. Such an approved agreement shall also be deemed a hearing for the purposes of Section 802 of this Chapter.
However, upon demonstration of fraud, misrepresentation, or similarly compelling reasons, either party may request that the hearing examiner withdraw the settlement and set the matter for hearing. If such a request is denied, the party may appeal such denial to the Board.

[Adopted January 24, 2018]

833. Open Hearings

All individual Maximum Allowable Rent adjustment hearings shall be open to the public.

[Adopted January 24, 2018]

834. Rights of Parties

- A. All parties to a hearing shall have the right to appear at the hearing and present evidence and argument in person, and/or have assistance from attorneys, legal workers, recognized Tenant organization representatives or any other designated persons. Before a representative is allowed to advocate for, or in any way represent, a party, the party must present to the Board a signed, written statement designating the representative. Representatives shall file written statements with the Board that they are assisting the named party, with the name, address and phone number of the representative. All parties shall also have the right to call, examine, and cross-examine witnesses to request the hearing examiner to issue orders or subpoenas for witnesses or evidence and to exercise any other rights conferred by the Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance, this Chapter or other Board Regulations.
- B. Unless otherwise specified by regulation or by order of the Rent Board or hearing examiner, any period of notice and any right or duty to do any act or make any response within any period or on a date certain after service of a document shall be extended by five days if the document was served by mail.
- C. Except for the failure to timely file an appeal in accordance with Regulation 842, the Rent Board or hearing examiner may relieve a party of the consequences of a failure to perform an act on or before a date certain and allow additional time to perform the act where the party demonstrates that there was a good cause for the failure. Application for this relief shall be made within a reasonable time, in no case exceeding thirty days, after the date certain and shall be accompanied by a sworn declaration attesting to the facts alleged to constitute the good cause.

[Adopted January 24, 2018]

835. Hearing Record

- A. The official record of the hearing shall include the following: an audio recording of the hearing; all exhibits, papers, and documents required to be filed or accepted into evidence during the proceedings; a list of participants present; a summary of all testimony accepted; a statement of all material officially noticed; all recommended and final decisions, orders, and/or rulings; and the reasons for each final decision, order and/or ruling. This official record shall constitute the exclusive record for the decision on the issues raised at the hearing.
- B. Upon the end of a hearing, the Record shall be closed. Once closed, the Record shall not be reopened, and no further evidence shall be accepted from the parties. No statement is

needed to close the Record; rather the closure of the Record is a natural consequence of the end of a hearing.

C. Notwithstanding Regulation 835(B), at the conclusion of the hearing, the Hearing Examiner may keep the Record open for a period not to exceed thirty (30) calendar days to accept additional evidence. Where good cause exists, the Record may be kept open longer than thirty (30) calendar days, but must not remain open longer than sixty (60) calendar days, measured from the date of the conclusion of the hearing.

D. In all matters where the Record is kept open, the Hearing Examiner shall issue to the parties in writing the basis for keeping the Record open, including a statement of good cause where applicable, the length of the time the Record shall remain open, and the date on which the Record will be closed.

[Adopted January 24, 2018; Amended June 19, 2019]

836. Availability of Record

The Board shall make the official record available for inspection and copying by any person and provide a copy of all or part of the official record at a reasonable copying cost.

[Adopted January 24, 2018]

837. Notice of Decision

The Board shall send a notice of the hearing examiner's decision to all parties to the hearing. Such notice shall include a copy of the findings of fact and law supporting the decision, as well as a statement of their right to and the time limit for any appeal to the Board and/or judicial review of the decision.

[Adopted January 24, 2018]

838. Finality of Decision

The hearing examiner's decision shall be the final decision of the Board in the event no appeal is made to the Board.

[Adopted January 24, 2018]

839 – 840 (RESERVED)

841. Right of Appeal

Any party may appeal a hearing examiner's decision to the Board. On appeal, the Board may affirm, reverse, remand or modify the decision of the hearing examiner. The Board may conduct a new hearing or may act solely on the basis of the official record before the hearing examiner. The decision on appeal shall be the final decision of the Board, and the Board shall send a notice of the decision to all parties to the appeal, which shall include a statement of their right to

judicial review. Decisions remanded to the hearing examiner shall be limited to instances where additional findings of fact are required.

[Adopted January 24, 2018]

841.5 Standard of Review on Appeal

- A. The Standard of Review on Appeal shall be Substantial Evidence. Under the Substantial Evidence standard, the Board shall not reweigh the evidence nor second guess the factual findings of the Hearing Examiner, even if there was contrary evidence in the Record. Instead, the Board shall look only to the evidence contained in the Record which supports the prevailing party, and determine whether there existed Substantial Evidence in the Record to support the Hearing Examiner's findings.

- B. Notwithstanding Regulation 841.5(A), where the Rent Board elects to hear an appeal De Novo, the Standard of Review shall be Preponderance of the Evidence. A De Novo hearing means a new hearing that contemplates an entire, new proceeding of the matter in question, in the same manner in which the matter was originally heard, as if the previous hearing had never occurred. Preponderance of the Evidence means that the party who has the burden of proof must provide evidence that is more likely to be true than not true and, when compared to the other side, outweighs, preponderates over, or is more than the evidence on the other side.

[Adopted June 19, 2019]

842. Appeal Process

- A. Any appeal shall be filed on a form provided by the Board no later than thirty (30) calendar days after receipt of the notice of the hearing examiner's decision. A party is presumed to receive the decision five (5) business days after it is mailed. The appeal must contain a statement of the specific grounds on which the appeal is based. The Board will not consider an appeal that fails to state any facts or arguments in support of the grounds alleged in the appeal. Except as provided in Section 842(E), no other documents in support of the appeal will be accepted after the appeal deadline unless specifically requested by the Board. The appeal shall be sent to the Board and opposing parties and their representative. Additionally, appellants shall send a copy of the appeal to the hearing examiner whose decision is being appealed. The Board or staff may order that appeals relating to the same building or property, or different properties of the same Landlord, be consolidated. The opposing party shall file any response to the appeal within fifteen (15) calendar days from the date the appeal is filed.

- B. At least fourteen (14) calendar days prior to the date set for Board action on the appeal, a Board Staff report shall be prepared recommending that the decision of the hearing examiner be affirmed, modified, reversed or remanded to the hearing examiner for further hearing. Board Staff may supplement the record by including matters of which the Board

may take official notice, provided that the parties are notified of such matters at least fourteen (14) days prior to the date set for Board action. Any objection to a staff request for official notice of such matters shall be filed no later than seven (7) calendar days prior to the date set for Board action.

- C. At least fourteen (14) calendar days prior to the date set for Board action, all parties shall be notified by mail of the date, time and place set for Board action on the appeal. Copies of the Board Staff recommendation shall be mailed to all parties and their representatives at least 14 days prior to the Board action. Copies of the official record and the staff recommendation shall be available for public review at the Board office at least fourteen (14) days prior to the date set for Board action. Parties may submit written comments to the Board up to seven (7) days prior to the Board action.
- D. At the Board meeting at which action on the appeal is scheduled, each party or the party's representative will be allowed seven (7) minutes to address the Board at the beginning of the hearing in the following order: appellant for five (5) minutes, respondent for seven (7) minutes, appellant for two (2) minutes. For any party addressing the Board who requires translation the allowable times shall be doubled. The Board has the discretion to allow more time.
- E. Unless the Board determines that a de novo hearing is required, the Board's decision will be based exclusively on the record before the hearing examiner. Parties shall be instructed not to discuss or comment upon factual matters or evidence that were not presented to the hearing examiner or officially noticed. Parties may discuss or comment upon the legal matters in question and any other pertinent issues raised by the appeal. The Board shall disregard any discussion or comment regarding factual matters that were not in the record before the hearing examiner or officially noticed. The vote of three (3) Board members is required to affirm, modify, remand or reverse the decision of the hearing examiner.
- F. The Board's decision to affirm, modify, remand or reverse the decision of the hearing examiner shall be supported by written findings of fact and conclusions of law. When the Board votes to adopt the staff recommendation unchanged, the parties to the appeal will be notified only of the Board's decision. When the Board does not adopt the staff recommendation as written, a written decision of the Board shall be mailed to the parties or their representative of record.
- G. Continuances of dates set for Board action on appeals shall be granted by a majority of the Board or by the Executive Director only for good cause shown. A written request and the reasons for it must be received by the Board at least two (2) business days prior to the scheduled hearing, unless good cause is shown for later request. The written request must contain the reasons for the continuance, an explanation of what efforts were made to ascertain the position of the other parties regarding the request for a continuance, and mutually acceptable alternative dates. Copies of this written request must be sent immediately to all other parties and proof of service must accompany the written request

filed with the Board.

H. Reconsideration.

- 1) At the discretion of the Executive Director or their designee, an appeal may be treated as a request for reconsideration and referred back to the Hearing Examiner for such reconsideration only if it is claimed by the appellant that:
 - a) There was good cause for a failure to respond to a petition; or
 - b) There was good cause for a failure to appear at a settlement conference or hearing; or
 - c) The appellant wishes to present relevant evidence that could not, with reasonable diligence, have been discovered and produced at the hearing.
 - d) The decision resulted from a clearly inaccurate application of the law; staff members discovered a problem with the record; the underlying legal standard upon which the decision is based changed before final disposition of the case, including matters subject to a pending petition for writ of administrative mandamus; or any other reason the case should be remanded for reconsideration for administrative efficiency.

In the event that the Executive Director or their Designee finds good cause exists to treat the appeal as a request for reconsideration, the Executive Director or their Designee shall, within 15 business days from the day to file an appeal has expired, issue an Order of Reconsideration, which shall describe the basis of granting reconsideration, the scope of issues to be reconsidered by the Hearing Examiner, and modified procedures, if any, of the hearing process to expedite the matter for a hearing on reconsidered issues. The Rent Program shall send the Order of Reconsideration to all parties and, schedule a hearing consistent with the Order of Reconsideration within 60 days from the day the Order of Reconsideration was issued.

[Adopted January 24, 2018; Amended November 14, 2018; Sec.(I) Amended July 17, 2019; Repealed Section (B), October 16, 2019]

842.25. Modification of Hearing and Appeals Procedures

1. **Applicability.** Notwithstanding any Rent Board Regulation to the contrary, the entirety of these Regulations shall modify any existing Chapter 8 Regulation where applicable.
2. **Hearing Procedures.** In addition to the Petition Process and Hearings Procedures codified in Rent Board Regulation Chapter 8, the following shall apply:
 - A. **Submittal of Petitions and Objections.** Parties may submit Petitions, Objections and/or Responses via email to the Rent Board Clerk. All applicable deadlines remain unchanged.
 - B. **Service.** Service of all documents, either by the Richmond Rent Program Staff or Parties of a Petition, required by Rent Board Regulation Chapter 8, may be made

via email. All applicable deadlines for service remain unchanged.

- C. Additional Evidence and Documentations.** Additional Evidence obtained prior to the Hearing, may be submitted to the opposing party and Rent Program Staff members via email. The deadline to submit such documentation and/or evidence remains unchanged.
- D. Continuance.** The grounds for a Continuance enumerated in Regulation 826, which is not an exhaustive list, shall be construed liberally and in all instances shall take into account the impact COVID-19 has had on City of Richmond Residents. Additionally, issues with technology and accessing appropriate mediums to engage fully in the hearing process shall be a substantial probative factor in determining the existence of good cause. If such a technological issue arises during the Hearing, with or without the request of the party impacted by the technical difficulties, the Hearing Examiner shall consider on the Record whether to continue the Hearing to a later date. Within that same Hearing, the Hearing Examiner shall state on the Record whether the matter will or will not be continued and the basis supporting their decision. All applicable deadlines to submit a Request for a Continuance remain unchanged, except where the Request for a Continuance is based on technical issues. Such a request may be made at the time of the Hearing. Finally, a Request for Continuance may be submitted via email to the Rent Board Clerk.
- E. Videoconference and Teleconferencing.** Regulation 834 establishes a party's right to engage in-person hearings and that right shall not be disturbed except as stated herein. Hearings and Settlement Conferences may be held through methods of videoconferencing and teleconferencing; however, to protect and ensure the fairness of the hearings process and the parties' rights under Regulation 834, both parties must agree in writing to a Hearing conducted through videoconference and/or teleconference prior to such a Hearing being conducted. Written agreement may be obtained through email correspondence confirming the parties' willingness to participate in a Hearing by videoconference and/or teleconference, or other reasonable methods. Once the parties agree in writing to a videoconference and/or teleconference hearing, such agreement cannot be rescinded and the hearing must take place on videoconference and/or teleconference, unless the Hearing Examiner deems otherwise.

Where there are more than two party members to a case, a videoconference and/or teleconference hearing may take place where at least one member from each party agrees in writing to have the proceedings conducted via videoconference and/or teleconference. In those instances, the party members who agreed in writing to

have the hearing conducted via videoconference and/or teleconference shall be permitted to appear via videoconference and/or teleconference. The remaining members shall appear in person. Where appropriate, the Hearing Examiner may permit witnesses to appear via videoconference and/or teleconference.

3. **Appeals Procedures.** In addition to the Appeals Process Procedures codified in Rent Board Regulation Chapter 8, the following shall apply:
 - A. **Submittal of Appeals and Response.** Parties may submit Appeals and Responses to Appeals by email to the Rent Board Clerk. The deadline to submit an Appeal is thirty (30) calendar days after the receipt of the notice of the Hearing Examiner's Decision. Where Rent Program Staff members have emailed the Hearing Examiner's Decision to the parties, the parties are deemed to have received the Hearing Examiner's Decision on the same date the Rent Program Staff members emailed the parties. In such instances, the Appellant(s) shall not be afforded an additional five (5) days to submit their Appeal, but instead shall have thirty (30) calendar days from the date the Rent Program Staff members emailed the Hearing Examiner's Decision to the parties. All other applicable deadlines shall remain unchanged.
 - B. **Staff Attorney's Recommendation and Written Comments.** The Staff Attorney's Recommendation to adopt, reverse, remand, or modify the Hearing Examiner's Decision may be sent via email to the parties and Rent Boardmembers. Additionally, the parties' written comments to the Staff Attorney's recommendation may be submitted via email to the Rent Board Clerk. All applicable deadlines remain unchanged.
 - C. **Continuance.** The procedures for a Continuance enumerated in Regulation 842, shall be construed liberally and in all instances shall take into account the impact COVID-19 has had on City of Richmond Residents. Issues with technology and accessing appropriate mediums to engage fully in the appeals process shall be a substantial probative factor in determining the existence of good cause. If such a technological issue arises during the appeal session, with or without the request of the party impacted by the technical difficulties, the Rent Board Members shall consider on the Record whether to continue the Appeal Hearing to a later date. All applicable deadlines to submit a Request for Continuance remain unchanged, except where the Request for Continuance is based on technical issues. Such a request may be made at the time of the Appeal Hearing. Finally, a Request for Continuance may be submitted via email to the Rent Board Clerk.

- D. Videoconference and Teleconferencing.** At the discretion of the Richmond Rent Board, Appeals may be held through methods of videoconferencing and teleconferencing. Prior consent of the parties is not required as an Appeal Hearing is only concerned with argument and not evidence.
4. **Effective Date.** This Regulation will be effective immediately on the date when it is adopted by the Richmond Rent Board.

[Adopted: July 19, 2023]

842.5 Enforcement of Rent Board Decision

- A. **Enforcement of Final Decision of the Rent Board:** Only final decisions of the Rent Board are enforceable. The final decision of the Rent Board shall be enforced from the effective date of the decision.
- B. **Effective Date of Hearing Examiner's Decision:** The decision of the hearing examiner shall be the final decision of the Rent Board if the parties to the petition fail to file a timely appeal to the Rent Board. An appeal shall be considered timely if filed consistent with Regulation 842(A). The hearing examiner's decision shall be effective from the date of the decision. However, a hearing examiner's decision is not enforceable unless the decision becomes the final decision of the Rent Board.
- C. **Rent Board's Decision on Appeal:** Rent Board decisions on appeal shall be the final decision of the Rent Board on the day the Rent Program issues the parties notice of the Rent Board decision. Although final, the Rent Board decision shall be stayed for 30 days from the date the Rent Board decision became final.
- D. **Recouping Excess Rent:** Upon a determination that a Landlord or Landlords are liable to a petitioner for any amount of excess Rent, the hearing examiner or Rent Board shall specify in their decision that the petitioner is entitled to offset payment of any Rent which would otherwise be due and payable following the date of the Rent Board's final decision, as a means of recouping the amount to which petitioner is entitled, until the amount of offset Rent, using the current lawful Rent as a measure, is equal to the amount of liability imposed by the decision. Recoupment by the Tenant and compliance with the decision of the final decision of the Rent Board shall be presumed to occur in the normal course of events. A Landlord may discharge the liability imposed by the final decision of the Rent Board by not objecting to recoupment for the necessary period of time or paying to the petitioner the entire amount or remaining amount.

- E. Landlord recoupment of Rent Increases During Pendency of Appeal: Consistent with Civil Code Section 827, a Landlord is not entitled to a Rent increase unless properly noticed. To be entitled to a Rent Board's final decision of a grant of an individual upward adjustment in the Maximum Allowable Rent, a Landlord must first serve a valid Rent increase notice consistent with Civil Code Section 827. Where a hearing examiner grants an individual upward adjustment in the Maximum Allowable Rent and the decision is appealed, and the Rent Board affirms the amount of an individual upward adjustment in the Maximum Allowable Rent, a Landlord may recoup Rents that accumulated during the pendency of an appeal only if the Landlord served a proper notice of Rent increase consistent with Civil Code Section 827 and the Rent increase notice's effective date covered the period in which the Rent is sought to be recouped.
- F. Rent Increases During Excess Rent Recoupment Period: A Landlord found liable under a Rent Board's final decision shall not be deemed in compliance with the Richmond Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance with respect to the subject unit until the entire amount of liability is discharged. Until that time, the Landlord, including any successor in interest shall be prohibited from implementing any increases in the Rent which could otherwise be implemented as to the subject unit.
- G. Waiver of Rights and/or Obligation Granted Pursuant to a Rent Board Decision: Any post-decision agreement between the petitioner and the Landlord reducing the amount of liability already decided may be deemed void as contrary to public policy and shall not prevent the Rent Board from enforcing the decision as to the entire amount.

[Adopted October 16, 2019]

843. Appeal Filing Fee

There shall be a fee of \$75 for filing an appeal to the Board regarding a hearing examiner decision on a petition for individual adjustment of the Maximum Allowable Rent. This fee shall be waived for parties who are low-income as defined by the applicable income limits established for Contra Costa County by the U.S. Department of Housing and Urban Development. The Board may make any additional waivers and reductions that it deems appropriate.

[Adopted January 24, 2018]

844. Time for Decision

The Board shall take final action on any individual adjustment petition within 120 days following the date of proper filing, unless good cause is responsible for the delay. Good cause may include, but is not limited to, continuances granted, the submission of additional information by the petitioner, the filing of a motion for reconsideration, or a request by a party to disqualify the hearing examiner or Board member(s).

[Adopted January 24, 2018]

845. Conditions for Obtaining Individual Rent Adjustments

- A. An individual upward adjustment of a Maximum Allowable Rent for a rental unit may be awarded but shall not become effective so long as the Landlord:
- (1) has failed to register any rental unit on the property with the Board;
 - (2) has demanded, accepted, received or retained rent in excess of the lawful Maximum Allowable Rent for the affected unit;
 - (3) has failed to comply with any order of the Board concerning the affected unit or a former Tenant of the affected unit; or
 - (4) has failed to bring the affected rental unit into compliance with the implied warranty of habitability.

[Adopted January 24, 2018]

846. Notice for Rent Increases

Allowable rent increases pursuant to an individual upward adjustment of the Maximum Allowable Rent shall become effective only after the Landlord, following the decision of the hearing examiner or Board, gives the Tenant at least a thirty (30) day written notice of such rent increase and the notice period expires.

[Adopted January 24, 2018]

847. Effective Date for Rent Decrease

- A. If the hearing examiner or Board makes a downward individual adjustment of the Maximum Allowable Rent, the rent decrease pursuant to such adjustment shall take effect on the date of the next regularly scheduled rent payment, but no later than thirty (30) days after the date of the decision by the hearing examiner or Board.
- B. Where a rent decrease is reversible after correction of a defect in the unit or violation of the provisions of the Fair Rent, Just Cause For Eviction and Homeowner Protection Ordinance or its implementing Board Regulations, the Landlord shall be entitled to reinstatement of the prior rent level, retroactive to the date that the Landlord corrected the situation that warranted the decrease. The Landlord shall notify the Tenant and the hearing examiner of the correction and provide evidence of compliance.
- C. The compliance notice to the Tenant shall include a notice that the Tenant has a right to object, and that if the Tenant does not object within twenty-one (21) calendar days of the mailing of the notice, or if the Tenant's objection does not specify in what way the Landlord is not in compliance, the rent for the Tenant's unit may be increased by the applicable

amount, based on the information in the Landlord's notice and the Board's files. Failure to file an objection may constitute a waiver of the right to a compliance hearing.

[Adopted January 24, 2018]

848. Compliance Hearings

- A. If there is a dispute among any of the parties (or any successor in interest) as to whether there has been compliance with a previously issued decision, the hearings examiner may notice and conduct a hearing to determine whether compliance has in fact occurred, and may issue an appropriate decision which sets forth the extent of compliance, the date of such compliance, and any adjustments to the original decision which are necessary in light of such compliance or non-compliance.
- B. The party or parties (and any successor in interest) who were originally ordered to make repairs, pay back rent, properly register the property, or otherwise comply with an order of the Board, shall be required to demonstrate compliance by a preponderance of the evidence submitted at the compliance hearing.
- C. Any party to the original proceeding (and any successor in interest) may request that a compliance hearing be noticed and held. Such request shall set forth the area of disagreement, and a copy of the request must be served upon all adverse parties (and any successor in interest of any adverse party) by the party requesting the hearing.
- D. The procedures set forth in Regulations 821-838 shall apply to compliance hearings.

[Adopted January 24, 2018]

849. Board Initiated Hearings

- A. The Rent Board or the Executive Director, who may designate such function to appropriate Board Staff, may initiate a hearing after an investigation by the Rent Board or the Executive Director has resulted in a determination that there are substantial grounds to believe that major violations of the Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance or Board Regulations promulgated thereunder have occurred, and that 120 calendar days have passed from the date of the first occurrence of the violations.
- B. The investigation of possible violations of the Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance or Board Regulations may be conducted as a result of the review of the records of the Rent Program or the records of courts and governmental agencies. Investigations of possible violations may also be conducted on the basis of complaints and allegations received orally or in writing by the Executive Director.
- C. If an investigation by the Rent Board or the Executive Director has found substantial grounds to believe that major violations of the Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance or Board Regulations have occurred, a notice of a prehearing shall be

prepared and served on the Landlord and Tenants of the affected units. The notice of prehearing shall state clearly the sections(s) of the Ordinance or Regulations which has allegedly been violated, along with a brief statement of the evidence found during the investigation which supports the determination that an alleged violation has occurred. The notice shall also set forth a proposed order which may be rendered against the alleged violator.

- D. The procedures set forth in Regulations 821-838 shall apply to Board-initiated hearings.
- E. At a Board initiated hearing, the Executive Director or designee shall present the Board's case. The issues in the hearing shall be disposed of in a final decision and order of a hearing examiner, which may be appealed to the Rent Board.
- F. Intervention by any current Landlord, current Tenant, former Tenant and former Landlord shall be permitted. Intervention by any other person or entity may be allowed upon a showing that some right, interest, liability or obligation of the person or entity seeking to intervene may be materially affected as a result of the hearing. Requests to intervene shall be made in writing, and should be filed and served upon all parties at least five (5) business days before the hearing. However, upon a showing of a substantial interest in the outcome, requests to intervene may be made and acted upon at any time prior to the conclusion of the hearing.

[Adopted January 24, 2018]

850. (RESERVED)

851. Deposit of Disputed Rents into Escrow

The Rent Program does not currently have an escrow process. Once the Executive Director establishes an escrow process, Regulations 852 – 857 shall apply.

[Adopted January 24, 2018]

852. Standards to Be Applied to Escrow Determinations

- A. In deciding whether or not to require the payment disputed amounts in escrow, the hearing examiner or the Board shall consider:
 - (1) The likelihood that the party requesting the escrow account will prevail on the merits;
 - (2) The likely sum or sums involved;
 - (3) The likely length of the escrow;
 - (4) The likelihood that either party may be prejudiced by the creation of denial of an escrow account;
 - (5) The desires of the parties;
 - (6) The Tenant's rent payment history, including any reasons for late or nonpayment of rent;

- (7) The parties' history of compliance or noncompliance with the Fair Rent, Just Cause of Eviction and Homeowner Protection Ordinance, Board Regulations and Orders of the Board; and
- (8) All other relevant facts which may affect the right of the Tenant not to be required to pay rent in excess of that which is lawful.

[Adopted January 24, 2018]

853. Requiring Deposit of Disputed Rents into Escrow Pending Hearing

- A. Whenever a petition for individual rent adjustment is filed and it is alleged, or reasonably appears from the circumstances, that the rent charged or demanded by the Landlord is in excess of that permitted by the Fair Rent, Just Cause for Eviction and Homeowner Protection Ordinance and Board Regulations, any party to the proceedings may make a written request for an order requiring the deposit of rent into an escrow account. Said request shall be made on a form approved by the Executive Director or designee.
- B. Upon receipt of such written request, the hearing examiner shall, at a prehearing conference, consider whether an escrow account should be established and may order that reasonably disputed amounts be paid into escrow pending the hearing and the hearing examiner's decision on the petition. The hearing examiner may also condition any continuance or later scheduling of a hearing upon an agreement that rent shall be either paid to the Landlord and/or into escrow as may be appropriate.
- C. Pending the hearing examiner's decision on the petition, an order by the hearing examiner creating, modifying or terminating an escrow account may be appealed to the Board.
- D. Any party requesting creation of an escrow account shall serve a copy of the request on all other parties to the case.

[Adopted January 24, 2018]

854. Establishment of Escrow Accounts Pending Appeal

- A. Within twenty (20) calendar days of the date of mailing of the final decision of the hearing examiner to the parties, any party may make written application to the Board for an order concerning the disposition of any funds held in escrow or creation of an escrow account pending appeal. Any such request shall be made on a form approved by the Executive Director or designee. During the period within which such an application can be made and pending action on said application, no disbursement of funds held in escrow shall be made.
- B. Upon receipt of such written application, the Executive Director or designee may:
 - (1) Continue, terminate, or modify any escrow created by the hearing examiner; or

- (2) Order that reasonably disputed amounts be paid into escrow pending the decision on any appeal.
- C. In the event that the party applying for the escrow order does not file an appeal within thirty-five (35) calendar days of the date of mailing of the hearing examiner's final decision to the parties, any order requiring the maintenance or creation of an escrow account shall automatically be dissolved unless otherwise ordered by the hearing examiner. Upon such dissolution, the funds held in escrow shall be disbursed in accordance with the final decision of the hearing examiner.
- D. Within twenty-one (21) calendar days of the date of mailing of the appeal, any non-appealing or cross-appealing party may make written application to the Board for an order concerning the disposition of any funds held in escrow or creation of an escrow account pending appeal. Any such request shall be made on a form approved by the Board. During the period within which such an application can be made and pending action on said application, no disbursement of funds held in escrow shall be made.
- E. Upon receipt of such written application, the Board may:
- (1) Continue, terminate, or modify any escrow created by the hearing examiner; or
 - (2) Order that reasonably disputed amounts be paid into escrow pending the decision on the appeal.
- F. Any party requesting creation of an escrow account shall serve a copy of the request on all other parties to the case.
- G. In the decision on appeal, the Board shall order disbursement of any funds held in escrow to the appropriate party.

[Adopted January 24, 2018]

855. Landlord's Compliance with Rent Overcharge Refund Order Subject to Appeal

- A. A Tenant who accepts a full refund of rent overcharges, pursuant to Regulation 8XX, after receiving written notification that acceptance of the refund will extinguish the Tenant's right to appeal the amount of rent overcharges, is deemed to have waived the right to appeal the amount of the refund order. The written notification shall be in language approved by the Board.
- B. Notwithstanding a Tenant's appeal of the hearing examiner's decision, the Landlord's tender of the full amount of rent overcharges as ordered by the hearing examiner shall constitute compliance with the refund order provided that the amount tendered, if not accepted by the Tenant, is deposited into an escrow account established and maintained by the Rent Board. If, on appeal, the Rent Board modifies the hearing examiner's decision and orders additional amounts refunded, a Landlord who has tendered the full amount of the original refund order remains in compliance with the refund order so long as the Landlord tenders to the Tenant

the additional amount of rent overcharges within 30 days of the date of the Rent Board's decision on appeal.

[Adopted January 24, 2018]

856. Disbursement of Funds Held in Escrow

Upon issuance of an order of the hearing examiner or the Board, the Executive Director or designee, shall cause the funds held in escrow to be disbursed in accordance with the order. Any interest which has accrued on the funds shall be disbursed and distributed in the same proportion as the principal.

[Adopted January 24, 2018]

857. Effects of Escrow Accounts on Eviction Actions

A Tenant's deposit of rent into an escrow account pursuant to an order of the hearing examiner or the Board shall be a defense to any action brought by the Landlord for nonpayment of that rent.

[Adopted January 24, 2018]

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