



REGULAR 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, September 17, 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
Melvin Willis

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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REGULAR 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 August 27, 2025, Special Meeting of the Richmond Rent Board. *Cynthia Shaw*

F-2. RECEIVE the Rent Program FY 2025-26 Monthly Revenue and Expenditure Report through August 2025. *Fred Tran*

G. REGULATIONS

G-1. AMEND the following Chapter 8 Regulations: *Nicolas Traylor*

1. Regulation 801: Amended to clarify that the Petitioner carries the burden of proof and establishes the burden of proof as Preponderance of the Evidence.

2. Regulation 804: Amended to clarify that the preliminary review of a petition is limited to procedural content and not substantive content. Additionally, the amendment would clarify the basis of finding a petition unacceptable and describes the steps a Petitioner would need to take to fix a petition that is found unacceptable. Finally, the Regulation would allow for staff to administratively dismiss, without prejudice, those petitions that have been found to be unacceptable and left uncorrected.

3. Regulation 822: Allows for the Hearing Examiner to decide a petition without a hearing where the Record contains sufficient undisputed facts.

4. Regulation 844: Increases the time for a Hearing Examiner to issue their decision from 120 days to 150 days.

H. REPORTS OF OFFICERS

I. 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: September 17, 2025

Final Decision Date Deadline: September 17, 2025

STATEMENT OF THE ISSUE: The minutes of the August 27, 2025, Special 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

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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 the minutes of the August 27, 2025, Special Meeting of the Richmond Rent Board – Rent Program (Cynthia Shaw 620-5552).

AGENDA ITEM NO:

F-1.

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RICHMOND, CALIFORNIA, August 27, 2025

The Special Meeting of the Richmond Rent Board was called to order at 5:06 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. Update regarding the appointment to fill the Rent Board vacancy. Announced the appointment of Melvin Willis as the new Rent Board Member beginning next month, in September.
2. An invitation to the Contra Costa Mayor's Conference, hosted by the City of Martinez on the second Thursday in October. He also mentioned that he will provide more information at the next meeting.
3. An invitation to the Port of Richmond Open House on September 6th, held at the Port of Richmond Office.
4. An invitation to the Richmond Rotary Club weekly meeting on September 19th, held at the Richmond Country Club.
5. A request to keep the structure to hear Appeal Hearings cases at Special Rent Board meetings instead of Regular meetings to focus on Regular meeting agenda items.

Kimberly Graves expressed concerns about the procedures that negatively impacted small landlords, sharing her personal experience with the Eviction Defense Center and the costs that she plans to file a lawsuit for claims.

CONSENT CALENDAR

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

***F-1.** Approve the minutes of July 16, 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 July 2025.

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

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

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

CONSIDERATION OF APPEALS

G-1. General Counsel Charles Oshinuga presented on the matter of an Appeal regarding 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 it's unfair that she has to share her deck, where other tenants do not have to share their decks. All parties to the case were present. The Landlord Appellant presented for 5 minutes, then the Tenant Respondent was given 7 minutes to present her case and presented for 5:97 minutes. Finally, the Landlord Appellant was given 2 minutes to close. Next, the Tenant Appellant presented for 5 minutes, then the Landlord Respondent was given 7 minutes to present his case. Finally, the Tenant Appellant was given 2 minutes to close. The Appeal hearing began, and the following individuals presented their case: Daniel Radwin and Eurisa Camancho. No further discussion by the Board. There were no public comments on this item.

After hearing the issues brought on appeal, a motion was made by Vice Chair Cantor to affirm General Counsel's recommendation to 1. Reverse the Hearing Examiner's findings that the Tenant experiences a decrease in Housing Services due to removal of livable space and the consequent award of \$770.08. 2. Reverse the Hearing Examiner's findings of the unclean hands, as that doctrine is an affirmative defense that is only available to the Respondents at a hearing. 3. Affirm the Hearing Examiner's findings that the Tenant and Landlord shared the back deck, patio, and garage, as the Record contains substantial evidence supporting such a finding. Board Member Espinoza seconded the motion. The motion passed by the following vote: **Ayes:** Board Member Espinoza, Hite, Vice Chair Cantor, and Chair Tipton. **Noes:** None. **Abstentions:** None. **Absent:** None.

Rent Board Clerk Ramona Howell concluded the hearing and informed the parties that all parties would receive a Rent Board Decision within 30 days.

RENT BOARD AS A WHOLE

H-1. Executive Director Nicolas Traylor presented on the matter to direct staff to create language to amend Chapter 8 Rent Board Regulations to increase the effectiveness and efficiency of the petitions and hearings process. The presentation included the Statement of the Issue, Fiscal Impact, issue #1: Regulation 801

(B), issue #2: Regulation 804 (A), issue #3: Regulation 805 (A) (4) and (B) (4), and the Recommended Action. Discussion ensued. There were no public comments on this item. A motion made by Board Member Hite, and seconded by Chair Tipton, directed staff to create language to amend Chapter 8 Rent Board Regulations to increase effectiveness and efficiency of the petitions and hearings process, for consideration at a future meeting, passed by the following vote: **Ayes:** Board Member Hite, Vice Chair Cantor, and Chair Tipton. **Noes:** None. **Abstentions:** Board Member Espinoza. **Absent:** None.

REPORTS OF OFFICERS

Executive Director Nicolas Traylor reported that we have a new Rent Board Member joining the Rent Board at the next Rent Board meeting. The new Board Member is former City Council Member Melvin Willis.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:56 P.M.

Ramona Howell
Staff Clerk

(SEAL)

Approved:

Rent Board Chair

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 17, 2025

Final Decision Date Deadline: September 17, 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

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|---|---|--|--|---|
| <input type="checkbox"/> City Council | <input type="checkbox"/> Redevelopment Agency | <input type="checkbox"/> Housing Authority | <input type="checkbox"/> Surplus Property Authority | <input type="checkbox"/> Joint Powers Financing Authority |
| <input type="checkbox"/> Finance Standing Committee | <input type="checkbox"/> Public Safety Public Services Standing Committee | <input type="checkbox"/> Local Reuse Authority | <input checked="" type="checkbox"/> Other: <u>Rent Board</u> | |

ITEM

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| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) | | |
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| <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 2025-26 Monthly Revenue and Expenditure Report through August 2025 – Rent Program (Fred Tran 620-6537).

AGENDA ITEM NO:

F-2.

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

ITEM F-2

OBJECT	ORIGINAL BUDGET	ADOPTED BUDGET	Period 1	Period 2	ENCUMBRANCES	YTD TOTAL	AVAILABLE BUDGET	% USED
			July	August				
340445 Rental Housing Fees	(3,594,258)	(3,594,258)	(15,939.00)	(28,648.50)	-	(44,587.50)	(3,549,670.79)	1.2%
TOTAL LICENSES, PRMITS&FEES	(3,594,258)	(3,594,258)	(15,939.00)	(28,648.50)	-	(44,587.50)	(3,549,670.79)	1.2%
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)	(28,648.50)	-	(39,303.25)	(3,654,955.04)	1.1%
400001 SALARIES & WAGES/Executive	975,978	975,978	70,725.98	70,725.98	-	141,451.96	834,526.04	14.5%
400002 SALARIES & WAGES/Mgmt.-Local 21	580,913	580,913	40,049.20	40,522.60	-	80,571.80	500,340.95	13.9%
400003 SALARIES & WAGES/Local 1021	403,995	403,995	27,575.86	27,575.86	-	55,151.72	348,843.15	13.7%
400006 SALARIES & WAGES/PT- Temp	70,000	70,000	3,911.39	10,290.41	-	14,201.80	55,798.20	20.3%
400031 OVERTIME/General	2,500	2,500	-	83.30	-	83.30	2,416.70	3.3%
400043 OTHER PAY/Acting Pay	-	-	2,776.32	2,190.69	-	4,967.01	(4,967.01)	100.0%
400048 OTHER PAY/Bilingual Pay	15,500	15,500	848.18	848.18	-	1,696.36	13,803.64	10.9%
400049 OTHER PAY/Auto Allowance	2,800	2,800	350.00	350.00	-	700.00	2,100.00	25.0%
400053 OTHER PAY/Pension Credi	18,356	18,356	1,393.22	1,393.22	-	2,786.44	15,569.18	15.2%
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	153,980.24	-	301,610.39	1,768,430.85	14.4%
400103 P-ROLL BEN/Medicare Tax-ER Shri	29,192	29,192	2,135.11	2,230.32	-	4,365.43	24,826.28	15.0%
400105 P-ROLL BEN/Health Insurance Be	360,621	360,621	24,130.97	24,130.97	-	48,261.94	312,359.45	13.4%
400106 P-ROLL BEN/Dental Insurance	21,425	21,425	1,387.32	1,387.32	-	2,774.64	18,650.49	13.0%
400109 P-ROLL BEN/Employee Assistance	278	278	18.36	18.36	-	36.72	241.33	13.2%
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	-	332.88	2,231.34	13.0%
400112 P-ROLL BEN/Life Insurance	4,465	4,465	438.49	442.29	-	880.78	3,584.54	19.7%
400114 P-ROLL BEN/Long Term Disability	14,371	14,371	722.64	725.12	-	1,447.76	12,923.56	10.1%
400116 P-ROLL BEN/Unemployment Ins	7,044	7,044	608.00	608.00	-	1,216.00	5,827.88	17.3%
400117 P-ROLL BEN/Personal/Prof Dev	3,750	3,750	-	624.39	-	624.39	3,125.23	16.7%
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	-	14,282.50	71,412.50	16.7%
400127 P-ROLL BEN/OPEB	-	-	-	-	-	-	-	100.0%
400130 P-ROLL BEN/PARS Benefits	-	-	34.09	88.30	-	122.39	(122.39)	100.0%
400149 P-ROLL BEN/PERS-Misc	265,001	265,001	17,997.19	18,094.31	-	36,091.50	228,909.02	13.6%
400151 P-ROLL BEN/PERS-Misc (UAL)	302,609	302,609	23,729.68	23,729.68	-	47,459.36	255,149.34	15.7%
TOTAL FRINGE BENEFITS	1,109,206	1,109,206	78,919.54	79,386.75	-	158,306.29	950,899.56	14.3%
400201 PROF SVCS/Professional Svcs	93,700	93,700	1,865.00	1,174.16	53,147.84	3,039.16	37,513.00	60.0%
400206 PROF SVCS/Legal Serv Cost	275,000	275,000	-	16,666.00	183,334.00	16,666.00	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	1,194.55	-	-	1,194.55	6,305.45	15.9%
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	593.19	-	-	593.19	6,287.81	8.6%
TOTAL PROF & ADMIN SERVICES	390,606	390,606	3,825.40	17,840.16	236,481.84	21,665.56	132,458.60	66.1%
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	-	559.73	559.73	559.73	7,880.54	12.4%
400338 Recognition	300	300	459.51	-	-	459.51	(159.51)	153.2%
400341 OFF SUPP/Office Supplies	8,000	8,000	-	-	-	-	8,000.00	0.0%
TOTAL OTHER OPERATING	77,300	77,300	459.51	559.73	559.73	1,019.24	75,721.03	2.0%
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	-	8,500.00	-	8,500.00	1,000.00	89.5%
TOTAL PROVISION FOR INS LOSS	9,500	9,500	-	8,500.00	-	8,500.00	1,000.00	89.5%
400574 COST POOL/(ISF)-Gen Liability	104,979	104,979	8,748.30	8,748.00	-	17,496.30	87,483.00	16.7%
400586 COST POOL/(CAP)- Admin Charges	52,481	52,481	4,373.00	4,373.00	-	8,746.00	43,735.00	16.7%
400591 COST POOL/(IND)Civic Ctr Alloc	56,218	56,218	4,684.00	4,684.00	-	9,368.00	46,850.00	16.7%
TOTAL COST POOL	213,678	213,678	17,805.30	17,805.00	-	35,610.30	178,068.00	16.7%
391994 391994 TRANSFER IN/From Gen Fund	(299,373)	(299,373)	(24,948.30)	(24,948.30)	-	(49,896.60)	(249,476.70)	16.7%
90 OPER XFERS IN	(299,373)	(299,373)	(24,948.30)	(24,948.30)	-	(49,896.60)	(249,476.70)	16.7%
TOTAL EXPENDITURES	3,594,258	3,594,258	223,691.60	253,123.58	237,041.57	476,815.18	2,857,601.34	19.9%
NET OPERATING (SURPLUS)/DEFICIT	(100,000)	(100,000)	213,036.85	224,475.08	237,041.57	437,511.93	(797,354)	
CASH BALANCE			1,262,443.54	982,765.47				

Note: TRANSFER IN/From Gen Fund for the month of August had not been recorded, Staff has inputted the monthly amount assume Finance Depart will complete monthly close

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AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: September 17, 2025

Date Deadline: September 17, 2025

STATEMENT OF THE ISSUE: At its August 27, 2025, the Rent Board directed staff to amend Chapter 8 of the Rent Board Regulation to increase effectiveness and efficiency of the petition and hearing process. As directed, staff has amended several regulations contained in Chapter 8 of the Rent Board Regulation, and are now presenting those amendments to the Rent Board for possible adoption.

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 |
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ITEM

- | | | | |
|---|--|---------------------------------|--|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) | | | |
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| <input type="checkbox"/> Resolution | <input type="checkbox"/> Video/PowerPoint Presentation (contact KCRT @ 620.6759) | | |

RECOMMENDED ACTION:

AMEND the following Chapter 8 Regulations:

1. Regulation 801: Amended to clarify that the Petitioner carries the burden of proof and establishes the burden of proof as Preponderance of the Evidence.
2. Regulation 804: Amended to clarify that the preliminary review of a petition is limited to procedural content and not substantive content. Additionally, the amendment would clarify the basis of finding a petition unacceptable and describes the steps a Petitioner would need to take to fix a petition that is found unacceptable. Finally, the Regulation would allow for staff to administratively dismiss, without prejudice, those petitions that have been found to be unacceptable and left uncorrected.
3. Regulation 822: Allows for the Hearing Examiner to decide a petition without a hearing where the Record contains sufficient undisputed facts.
4. Regulation 844: Increases the time for a Hearing Examiner to issue their decision from 120 days to 150 days.

AGENDA ITEM NO:

G-1.

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AGENDA REPORT

DATE: September 17, 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:

At its August 27, 2025, the Rent Board directed staff to amend Chapter 8 of the Rent Board Regulation to increase effectiveness and efficiency of the petition and hearing process. As directed, staff has amended several regulations contained in Chapter 8 of the Rent Board Regulation, and are now presenting those amendments to the Rent Board for possible adoption.

RECOMMENDED ACTION:

AMEND the following Chapter 8 Regulations:

1. Regulation 801: Amended to clarify that the Petitioner carries the burden of proof and establishes the burden of proof as Preponderance of the Evidence.
2. Regulation 804: Amended to clarify that the preliminary review of a petition is limited to procedural content and not substantive content. Additionally, the amendment would clarify the basis of finding a petition unacceptable and describes the steps a Petitioner would need to take to fix a petition that is found unacceptable. Finally, the Regulation would allow for staff to administratively dismiss, without prejudice, those petitions that have been found to be unacceptable and left uncorrected.
3. Regulation 822: Allows for the Hearing Examiner to decide a petition without a hearing where the Record contains sufficient undisputed facts.
4. Regulation 844: Increases the time for a Hearing Examiner to issue their decision from 120 days to 150 days. – Rent Program (Nicolas Traylor 620-6564).

FISCAL IMPACT:

There is no fiscal impact related to this item.

DISCUSSION:

Background

Hearing staff are constantly trying to determine ways to improve the level of service provided while maintaining their efficiency. Hearing staff members have requested that certain regulations contained in Chapter 8 of the Rent Board regulation be amended to improve the hearing process. These proposed amendments are a few in a series of amendments that Rent Program staff intend to bring to the Rent Board. Below are the proposed amendments to the first series of regulations:

Issue #1: Regulation 801 currently does not explain the standard of proof required in a hearing.

Proposed Amendment to Regulation 801: Staff's proposed amendments would clarify that the Petitioner carries the burden of proof, which is measured by the Preponderance of Evidence Standard. The amendment also provides a definition of the preponderance of evidence.

Issue #2: Regulation 804 establishes the procedures for filing a petition. However, it does not allow for administrative dismissal of those petitions that fail to meet the procedural filing requirements.

Proposed Amendment to Regulation 804: Staff's proposed amendments would do clarify the following:

1. Limit preliminary review of petitions to procedural defects rather than the actual substance of the petition
2. Clarify various areas where a petition may be deemed unacceptable (i.e lack of jurisdiction, failure to provide proof of service, lack of signature, etc.)
3. Establishes procedures that must be undertaken by staff when a petition is found unacceptable and creates deadlines wherein a petitioner must correct an unacceptable petition.
4. Allows for the dismissal of those unacceptable petitions that are not corrected within the required time. Also clarifies that dismissals alone do not prevent the Petitioner from filing a new petition with the same claims. Finally, limits administrative dismissals to the preliminary review process.
5. Prevents the hearing examiner from engaging in the preliminary review process and requires that the hearing examiner only begin reviewing the matter after either the Respondent's response is received, or the Respondent fails to file a response.

Issue #3: The Hearing Examiner may issue a decision without holding a hearing but to do so certain elements must first be met. The elements are as such that the ability to issue administrative decisions is non-existent. To counterbalance the Hearing Examiner's inability to dismiss matters, staff is recommending amending the regulations to make it easier for the Hearing Examiner to issue administrative decisions.

ITEM G-1

Proposed Amendment to Regulation 822 and 844: Clarify that a Hearing Examiner may issue an administrative decision if the Record contains sufficient undisputed facts to render a decision. Additionally, the amendment would give the Hearing Examiner 30 additional days to render their decision. Finally, the amendment would remove, from the Hearing Examiner, the power to issue subpoena to conform more closely with the Rent Ordinance.

DOCUMENTS ATTACHED:

Attachment 1 –Redline Version of Amended Regulations Contained in Chapter 8 of the Rent Board Regulations

Attachment 2 –Clean Version of Amended Regulations Contained in Chapter 8 of the Rent Board Regulations

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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 sufficient to meet their burden of proof as described in Section (C) of this regulation, 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. ~~The burden of proof shall be the Preponderance of the Evidence standard. 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. Although the Respondent does not have the burden of proof, they may, if they choose, submit evidence that counters Petitioner's evidence and/or favors their own position. ; 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]

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. Preliminary review of each petition shall not consider the substance of the petition but rather, shall consider whether the petition has satisfied the procedural requirements of filing. For instance, 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. Additionally, petitions where the impacted unit does not fall within the Rent

Board's jurisdiction, or is otherwise exempt from rent control, will not be considered acceptable.

A. _____

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. Where staff finds a petition unacceptable, staff shall send a written notice of "Incomplete Petition" to the petitioner, informing the petitioner of the basis of their finding and identify any procedural defects. The notice shall also inform the Petitioner that they have ten (10) business days to refile their petition with the requested corrections. Finally, the notice shall inform the Petitioner that failure to refile their petition within the requisite amount of time shall result in an administrative dismissal. The Petitioner may make a written request for additional time to refile their petition. Where a Petitioner makes such a request, staff shall respond, in writing, that their request has been granted and they shall have an additional five (5) business days to refile their petition. An additional five (5) business days shall be measured from the day that staff sends their written response to Petitioner, plus an additional five (5) calendar days, if staff mailed their written response to Petitioner. Email shall not be considered "mail" for purposes of calculating additional time.

D. Where a Petitioner fails to correct an unacceptable petition within the requisite time, dismissal of the petition occurs as a natural consequence. Staff need not take formal action to dismiss the petition, but rather, the dismissal occurs after the Petitioner's time to refile expires. After the Petitioner time to refile expires, staff shall send a Notice of Administrative Dismissal to the Petitioner informing the Petitioner of the basis of dismissal. Additionally, the notice shall inform the Petitioner that the dismissal is without prejudice, meaning the Petitioner may file a new petition with the same claims, unless either barred by the statute of limitations or, in the case of Maintenance of Net Operating Income, the calendar has changed, thereby changing the claimed Current Year. The Administrative Dismissal shall only be utilized during the preliminary review process. Once a petition is accepted, the matter can no longer be administratively dismissed.

B-E. To promote unbiased hearings, the Hearing Examiner shall not be part of the preliminary review process, and shall only begin reviewing the petition after either 1) staff has received the Respondent's response to the petition or, 2) the Respondent's time to respond has expired as described in Regulation 809, whichever is earlier.

C-F. 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.

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~~D.G.~~ 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 as described in Regulation 804.~~ 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 [the Hearing Examiner finds Regulation 822\(A\)\(6\) to be](#)

~~applicable. 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 ~~as described in Regulation 804, 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 ~~the Hearing Examiner finds Regulation 822(A)(6) to be applicable, 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]

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 ~~the Record contains sufficient undisputed facts, 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]

844. Time for Decision

The ~~Board Hearing Examiner~~ shall take final action on any individual adjustment petition within ~~152~~ 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]

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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 sufficient to meet their burden of proof as described in Section (C) of this regulation. 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. The burden of proof shall be the Preponderance of the Evidence standard. 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. Although the Respondent does not have the burden of proof, they may, if they choose, submit evidence that counters Petitioner's evidence and/or favors their own position.

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- (4) Board staff shall review the petition and supporting documentation to determine whether they conform with Board regulations as described in Regulation 804. 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 the Hearing Examiner finds Regulation 822(A)(6) to be applicable. 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.

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 - (4) Board staff shall review the petition and supporting documentation to determine whether they conform to Board Regulations as described in Regulation 804. 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.
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[Adopted January 24, 2018; Amended June 19, 2019]

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- 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:
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 - (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 the Record contains sufficient undisputed facts 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]

844. Time for Decision

The Hearing Examiner shall take final action on any individual adjustment petition within 150 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.

[Adopted January 24, 2018]

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