AGENDA ITEM REQUEST FORM

Department: Rent Program **Department Head:** Nicolas Traylor **Phone:** 620-6564

Meeting Date: January 24, 2018 **Final Decision Date Deadline:** January 24, 2018

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

☐ **City Council**	☐ **Redevelopment Agency**	☐ **Housing Authority**	☐ **Surplus Property Authority**	☐ **Joint Powers Financing Authority**
☐ **Finance Standing Committee**	☐ **Public Safety Public Services Standing Committee**	☐ **Local Reuse Authority**		☒ **Other: Rent Board**

ITEM

☐ **Presentation/Proclamation/Commendation (3-Minute Time Limit)**

☐ **Public Hearing** ☐ **Regulation** ☒ **Other: CONSENT CALENDAR**

☐ **Contract/Agreement** ☐ **Rent Board As Whole**

☐ **Grant Application/Acceptance** ☐ **Claims Filed Against City of Richmond**

☐ **Resolution** ☐ **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.

From: David Sharples [mailto:dsharples@calorganize.org]
Sent: Wednesday, January 17, 2018 3:26 PM
To: Marilyn Langlois; Sara S. Linck-Frenz; Nicolas Traylor
Cc: Parker; mgliksohn; Nancy Combs; Emma Gerould; Willis, Melvin; Harper, Dan
Subject: Fair and Affordable Richmond: comments about petitioning for rent increases beyond the maximum allowable rents

Dear Nicolas,

Thank you for meeting with us yesterday and sharing updates about completing the staffing for the Richmond Rent Program. We look forward to having the new staff attorney and hearing officer on board soon.

Per your request, we are sending you in writing our comments about petitioning for rent increases beyond the maximum allowable rents. Our concern is to avoid situations where regulations allow landlords a pathway to raising rents and pushing tenants out beyond what is allowed for by the letter and spirit of Richmond's Rent Control ordinance.

The ordinance in 11.100.070(g)(8) makes very clear its intent to allow for rent increases more than the Annual General Adjustment "only when the Landlord demonstrates that such adjustments are necessary to provide the Landlord with a fair return on investment."

Hence the only grounds for a landlord to petition for a rent increase with no change in services or occupancy would be under Fair Return regulations. Landlords should carry the burden of proof that they are not making Fair Return without the requested rent in crease. Fair Return should be calculated on the entire rental parcel or contiguous rental parcels (including streets) and not on individual units or even buildings. It should be the landlord's obligation to document Fair Return covering the previous 5 years and properly amortizing capital expenses.

As is the case in other cities, debt service should not be part of the Fair Return calculation. Optional capital improvements that are not needed to comply with health and safety codes should not be grounds for a rent increase. Major repairs resulting from external factors that are no fault of the landlord (force majeure) should be covered by the landlord's insurance. Major repairs resulting from deferred maintenance or otherwise neglecting to keep the property habitable should not be grounds for a rent increase, nor should periodic, foreseeable regular repairs and maintenance. Larger periodic repairs like roof replacement should be amortized and considered to be a regular maintenance cost that doesn't justify a rent increase. In case there is any situation that falls in between, the only way it could be considered for a rent increase would be in order to ensure Fair Return.

There should be a separate section for cases involving change in space or services, the landlord could only petition for a rent increase with the express agreement by the tenant

to opt to pay a higher rent for increased space or services. In this case, it should be required that a 3rd party (someone from the Rent Program) explain to the tenant that they have the right to choose and they can say no without repercussions, and the tenant would need to confirm verbally and in writing whether or not they agree.

And there should be another section for cases where the tenant wishes to increase the occupancy of the unit (besides legally allowed additional family members) beyond the terms of the tenancy, the tenant would need to be informed of how that would affect the rent and then decide if they want to increase the occupancy or not, and if they do, understanding it would mean an increase in rent which they agree to in writing, then the landlord could petition to the Rent Board for such an increase.

We also very much appreciate your intentions of disallowing vacancy decontrol rent increases in cases of involuntary vacancies, and we would suggest adding to the list cases where an unlawful detainer was wrongfully filed (i.e. without a just cause) and the tenant then moved out rather than deal with the eviction process.

We appreciate all that you and your staff have been doing to implement the mandate of the Richmond voters with our Rent Control and Just Cause for Eviction ordinance, and we look forward to periodic meetings with you.

Sincerely,

David Sharples, ACCE
for the Fair and Affordable Richmond Coalition

December 30, 2017

Nicolas Traylor
Executive Director
City of Richmond Rent Program
C/O City of Richmond
440 Civic Center Plaza
Richmond, CA 94804-1630

Dear Mr. Traylor:

This letter is in protest of the City of Richmond Rent Program (RRIP) for the property at 1045 24th Street, APN/Situs 528-010-016-4.

Upon receiving your January 3, 2017 letter I spoke with Melanie and returned the Property Owner Information form and, per her request, attached a copy of the PG&E bill for the property occupied by my daughter, Julie Myers.

On receipt of your September 18, 2017 letter regarding the RRIP I communicated with Paige Roosa via email. Again, per her request, I completed the required form and sent it along with the PG&E bill in my daughter's name.

Since I received no response following either of my communications I assumed that I had satisfied the City requirements for an exempt property.

In December I received a bill for $145.00 for this property. Once again I communicated with Paige Roosa who, after consulting with her superior, determined that because the utilities are in my daughter's name, the property is considered rental property.

To equate the payment of utilities with a true rental amount stretches credibility. A quick review of Richmond rental properties suggests that a reasonable rental amount for similar properties would be in the neighborhood of $2,000.00 per month. Utilities paid by the renter would be in addition to that amount. Upon checking with my daughter I found that her utility payments total approximately $120 per month.

The property in question was built and occupied by my parents Charles and Marjorie Paugh in 1941 and became our family home. My Father passed away in 1962 and my Mother remained in the home maintaining it until she suffered a stroke in 2010. At that time my daughter, Julie Myers, occupied the house to prevent it from being vandalized or occupied by the homeless. As you are aware, this is not one of Richmond's best neighborhoods and I will cite two examples:

1. Prostitutes from 23rd Street relocate to 24th Street following police sweeps on 23rd Street.
2. The SWAT team plus many Richmond police officers converged on the house because a known felon was hiding in the bushes at the house. A police dog was sent into the bushes so the police could secure the felon.

My daughter Julie pays no rent but does have the utilities in her name. Her responsibility, in lieu of rent, is to maintain the property inside and outside.

I feel this RRIP is an unreasonable and punitive charge on this property as I am choosing to responsibly maintain the property rather than allow it to become another eyesore in Richmond.

I have paid the fee under protest and I hope that after further review the property will be exempt from the RRIP fee.

Sincerely,

Charleen Belshaw

Charleen Belshaw
2047 Evergreen Drive
Carson City, NV 89703
(510) 673-5123
cbelshaw@charter.net

Winter address – December – March – 4100 N. Romero Rd #35, Tucson, AZ 85705