STATEMENT OF THE ISSUE: Approximately 150 petitions have been received by the Rent Program during the last 12 months. Those petitioners are now being contacted to complete and update their petitions and provide supporting documentation so that respondents can be contacted and hearings can be scheduled.

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:

☐ 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 an update concerning the petition and hearing processes – Rent Program (Nicolas Traylor/Paul Cohen 620-6564).

AGENDA ITEM NO:

I-1.
DATE: April 18, 2018

TO: Chair Gray and Members of the Rent Board

FROM: Nicolas Traylor, Executive Director
       Paul Cohen, Hearing Examiner
       Cynthia Shaw, Assistant Administrative Analyst

SUBJECT: IMPLEMENTATION OF PETITION AND HEARING PROCESSES

STATEMENT OF THE ISSUE:

Approximately 150 petitions have been received by the Rent Program during the last 12 months. Those petitioners are now being contacted to complete and update their petitions and provide supporting documentation so that respondents can be contacted and hearings can be scheduled.

RECOMMENDED ACTION:

RECEIVE an update concerning the petition and hearing processes.

FISCAL IMPACT:

There is no fiscal impact related to this item.

DISCUSSION:

Background

Rent Program staff members are reviewing all submitted Rent Adjustment Petitions, Excess Rent Complaints, and Unpaid Temporary or Permanent Relocation Payment Complaints to determine that they are complete and in compliance with the Ordinance. Those petitions that are incomplete due to a lack of documentation or the need for new information since being filed will be given an opportunity to become completed without a reset of the filing date (in other words, petitioners will have a period of time to submit the requested information without losing their “spot” on the list.)

Petitions that are deemed complete will trigger staff to send the Notice of Objection to the responding parties, allowing twenty-one days for a response from the date the
Notice is mailed. A Notice of Objection form that is received and is complete will prompt the setting of a hearing date as well as providing the option for a voluntary mediation process.

In the event no Notice of Objection form is received, the matter can be set for an administrative decision or a hearing can be set in order to create a full record of the decision. In accordance with Chapter 8, Section 825 of the Rent Board’s adopted regulations, the scheduled Hearing date must be set 10 or more days after the Notice of Combined Settlement Conference and Hearing is mailed.

Hearing Process

The Richmond Rent Program Hearing Petition Process flow chart captures the efforts now underway to ensure that petitions that still remain valid and new petitions that are deemed complete can generally be heard based on the priority established when the original petition was filed (Attachment 1).

Proposed Timeline

The Richmond Rent Program Hearing Examiner began his employment with the Rent Program on April 2, 2018. Rent Program staff members have been diligently contacting petitioners to determine if they are ready to move forward or if their petition needs to be withdrawn based on a change of circumstances. Staff members have encountered both responses (Attachment 2).

The first Notices of Objection will be sent out after each petition receives a final review. These Notices are likely to begin being sent out during the week of April 23, 2018, or during the first week of May. Hearings are likely to be first heard starting the week of May 21, 2018, or May 28, 2018, depending on how quickly Notices of Objections are received.

DOCUMENTS ATTACHED:

Attachment 1 – Richmond Rent Board Hearing Petition Process – Flow Chart

Attachment 2 – Petition Submission and Review Update (as of April 12, 2018)
Petition Filed
Board takes final action within 120 days following the proper date of filing.
Note: A hearing can be refused if a hearing and decision has been made on the same unit within 12 months.

Petition Unacceptable:
[Within 5 days of filing]
Issue Notice of Unacceptable Petition:
[Petitioner can refile at any time]

Petition Corrected

Petition Accepted
Assign Hearing Examiner

Hearing Examiner Reviews Petition
Note: Review of Petitions filed pursuant to the Fair Return Regulation is 15 working days.

Objection notice is mailed to the respondent(s).

Objection:
Respondent(s) must file objection within 21 days of the mailing of the notice.
Note: All parties are mailed a copy of the Objection Notice.

No Objection:
Hearing Examiner may issue an administrative decision or send the case to a hearing.

Forward to Hearing Examiner for Administrative Decision

Continuance
(Request to reschedule hearing): Must be submitted in writing to the board within 48 hours prior to hearing.

Objection Notice Received

Schedule Hearing:
Notice of Combined Settlement Conference and Hearing is mailed.

Settlement Conference and/or Hearing Conducted

Decision Issued

Appeal deadline: 14 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.
Respondent will have 30 days to appeal if notice is hand delivered and an additional 5 days if mailed.

Staff Attorney will recommend, affirm, modify, remand, or reverse decision of Hearing Examiner.

Board shall make final decision to affirm, modify, remand, or reverse the decision of the Hearing Examiner.
### Rent Program Petitions submitted as of 4/12/2018

<table>
<thead>
<tr>
<th>Type of Petition Filed</th>
<th>Landlord Petitions filed</th>
<th>Tenant Petitions filed</th>
<th>Results of Landlords who would like a hearing</th>
<th>Results of Tenants who would like a hearing</th>
<th>Results of Landlords who would like to withdraw petition</th>
<th>Tenants who would like to withdraw petition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landlord Rent Adjustment Petition (which includes: Capital Improvements, Increase in Occupants and Fair Return (MNOI))</td>
<td>77</td>
<td>N/A</td>
<td>Communications with petitioners are still in process</td>
<td>N/A</td>
<td>Communications with petitioners are still in process</td>
<td>N/A</td>
</tr>
<tr>
<td>Tenant Rent Adjustment Petition (which includes: Habitability, Decrease in space or services, and Rent reduction)</td>
<td>N/A</td>
<td>24</td>
<td>N/A</td>
<td>Communications with petitioners are still in process*</td>
<td>N/A</td>
<td>Communications with petitioners are still in process</td>
</tr>
<tr>
<td>Excessive Rent Complaint</td>
<td>N/A</td>
<td>44</td>
<td>N/A</td>
<td>Communications with petitioners are still in process**</td>
<td>N/A</td>
<td>9 These cases were resolved with the landlord.</td>
</tr>
<tr>
<td>Unpaid Permanent Relocation</td>
<td>N/A</td>
<td>6</td>
<td>N/A</td>
<td>6</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Unpaid Temporary Relocation</td>
<td>N/A</td>
<td>2</td>
<td>N/A</td>
<td>Communications with petitioners are still in process</td>
<td>N/A</td>
<td>Communications with petitioners are still in process</td>
</tr>
<tr>
<td>Total:</td>
<td>77</td>
<td>76</td>
<td>Pending</td>
<td>6</td>
<td>Pending</td>
<td>9</td>
</tr>
</tbody>
</table>

**Total Petitions Submitted: 153.**

* These petitioners were contacted beginning the week of April 9, 2018 and we are in the process of following up on those calls.

** We have thus far left 32 voicemail messages with petitioners, 1 petitioner would like mediation and confirmed 2 Excessive Rent Complaint Petition, ready for hearing.