

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: February 20, 2019

Final Decision Date Deadline: February 20, 2019

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

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

ITEM

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|---|--|--|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) | | |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Regulation | <input checked="" type="checkbox"/> Other: <u>CONSENT CALENDAR</u> |
| <input type="checkbox"/> Contract/Agreement | <input type="checkbox"/> Rent Board As Whole | |
| <input type="checkbox"/> Grant Application/Acceptance | <input type="checkbox"/> Claims Filed Against City of Richmond | |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Video/PowerPoint Presentation (contact KCRT @ 620.6759) | |

RECOMMENDED ACTION: 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.

ITEM F-2 ATTACHMENT 1

From: Ilona Clark [mailto:in70clark@gmail.com]

Sent: Tuesday, December 18, 2018 11:31 PM

To: Christina; Linda Newton; Lori Wickliff; Mike Vasilas; Nathan Clark; Norma LaBat; Vinay Pimplé; Ben Choi; Eduardo Martinez; Jael Myrick; Tom Butt - external; Bill Lindsay; Melvin Willis; Cynthia Shaw; Paige Roosa; David Gray; Emma Gerould; Lauren Maddock; Nancy coombs; Nicolas Traylor; Rent Program; Paul Cohen; Virginia Finlay; Demnlus Johnson III; Nathaniel Bates; Rhovy Lyn Antonio

Subject: Re: Housing Ordinances and the Richmond Rent Program

Previously mentioned participants of the October 30 meeting (sorry for the omission):

Those is attendance:

Shasa Curl- City of Richmond, City Managers Office

Charice Duckworth- City of Richmond

Thomas Omolo- City of Richmond

Chala Bonner- Safe Return project

Ilona Clark AURHP (The Local voice of Housing Providers in Richmond)

Mike Vasilas- AURHP(the Local voice of Housing Providers in Richmond)

Cymone Goree- RNHS

Nikki Beasley RNHS

Nicole Montojo- HAAS Institute

On Tue, Dec 18, 2018 at 7:45 AM Ilona Clark <in70clark@gmail.com> wrote:
To the Rent Board and the City Council

Our group (AURHP) attended a meeting on October 30th with the participants listed below, to discuss housing policy being considered for a vote by the city council:

"Fair Chance Access to Affordable Housing" and the "Source of Income Housing Ordinances" were discussed at this meeting.

At that time, it was mentioned that a follow up meeting would be in order. To our knowledge, this has not happened. We discussed the need to assess the amount of time it takes for housing providers to be approved to provide subsidized housing (section 8). My subsequent emails with participants do not indicate that the requested research has been completed.

As we have pointed out to the group, some of the wording needs work and the ordinance, as written, seems purely punitive and provides no incentive to participate in subsidized housing programs, nor to make participation easier. Rhovy Antonio, of CAA, has

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expressed an interest in this subject and has experience with incentives that have proven effective in other jurisdictions. Punitive regulations and poorly-worded ones tend to decrease the quantity and quality of housing, leaving those who need help most even more vulnerable. We must consider education, incentives and cutting of red tape for housing providers first.

We are not sure why the Richmond Rent Program is choosing to review these proposed regulations before the studies have been completed and before the City Council has reviewed them; this is premature and a poor use of the Richmond Rent Program's resources.

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Be kind, for everyone you meet carries a heavy burden.

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Be kind, for everyone you meet carries a heavy burden.

ITEM F-2
ATTACHMENT 2

From: Nicole Montojo [<mailto:nmontojo@berkeley.edu>]
Sent: Monday, December 17, 2018 2:52 PM
To: Rent Control
Cc: Shasa Curl; Charice Duckworth; Thomas Omolo; Nikki Beasley; Evan Bissell
Subject: Re: 12/19/18 Rent Board Meeting - Item I-1

Dear Boardmembers Combs, Finlay, Gerould, Gray, and Maddock,

I am writing in regard to Item I-1 on the December 19 Rent Board meeting agenda on behalf of the five organizations (ACCE, Haas Institute for a Fair and Inclusive Society, Richmond Neighborhood Housing Services, RPA, and Safe Return Project) who drafted the two renter protection ordinances that are included in pages 67-77 of your meeting packet.

Since we presented these draft ordinances to the City Council on September 25, we have been working to refine them, ensure that they are aligned with existing state law, and incorporate feedback that we have received. Attached are revised drafts of both ordinances for your review. The content of both ordinances remains largely the same; there are just a few substantive changes, which are highlighted in yellow.

Thank you in advance for your consideration.

Sincerely,
Nicole Montojo

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Nicole B. Montojo
Housing Research Analyst
Haas Institute for a Fair & Inclusive Society
haasinstitute.berkeley.edu

Updated 12/13/18

TITLE & PURPOSE

Source of Income Housing Ordinance

Accordingly, the purpose of this chapter is to promote greater health equity for all Richmond Residents by helping to alleviate the housing crisis. This chapter maximizes the utilization of housing assistance programs by further ensuring safeguards to existing rights of tenants to be free of certain discrimination based on their source of income, use of a rental subsidy and to encourage housing providers to participate in the Richmond Housing Authority's Public Housing program and Housing Choice Voucher Program (commonly known as Section 8), and those receiving other forms of public assistance.

FINDINGS:

- a) The City of Richmond General Plan Program states in the 5th Cycle Housing Element Goal H-4: Equal Housing Access for All that it will, "Strive to achieve equal housing access for all people regardless of race, religion, gender, marital status, age, ancestry, national origin, color, sexual orientation, familial status, source of income, or disability."
- b) The City of Richmond General Plan Program states in the 5th Cycle Housing Element Policy H-4.1.1: Housing Choice Voucher Program that it will, "Continue to administer the City's Section 8 Housing Choice Voucher Program and maximize the program's utilization. Continue monitoring key program performance indicators such as attrition rates, fail-to-lease ratios, and waitlist size. Continue to work with local affordable housing developers to provide project-based vouchers. Respond to any future Notices of Funding Availability (NOFA) and apply for more vouchers."
- c) The General Plan of the City of Richmond states in the Policy H-4.2: Discrimination Prevention that it seeks to "Identify, monitor and prevent discriminatory housing practices."
- d) The General Plan of the City of Richmond states in the 5th Cycle Housing Element, Policy H2.7: Balanced Neighborhoods that it seeks to "Encourage a balance of housing incomes within neighborhoods to ensure a healthy mix of affordable and market rate housing and to deconcentrate poverty." Research shows that Section 8 and source of income discrimination can contribute to maintaining economically segregated neighborhoods, which is counter to the goals of the City's General Plan (Austin Tenants' Council, "Voucher Holders Need Not Apply: An Audit Report on the Refusal of Housing Choice Vouchers by Landlords in the Austin MSA.")
- e) The General Plan of the City of Richmond states in the 5th Cycle Housing Element Goal H-3: Expanded Housing Opportunities for Special Needs Groups that it seeks to, "Promote the expansion of housing opportunities for all special needs groups, including seniors, female-headed households, persons with disabilities, first-time homebuyers, large families, former prison inmates reentering the workforce, and homeless individuals and families." Nationwide, half (51 percent) of the households that received voucher assistance in 2016 were elderly or disabled, and nearly half (44 percent) have minors in the home (Center for Budget Policy and Priorities, 2017).
- f) As stated in the Health in All Policies Ordinance (Chapter 9.15) and Strategy document, The City of Richmond is committed to achieving the highest level of health for all Richmond residents. Good health is in the interest of everyone in Richmond and the region, since being healthy enhances quality of life, improves workforce productivity, increases the capacity for learning,

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strengthens families and communities, supports environmental sustainability and helps reduce stress and feelings of insecurity.

- g) Action 4F in the Health in All Policies Strategy has the goal to, “Protect neighborhoods from gentrification that leads to the displacement of residents.”
- h) Action 4H in the Health in All Policies Strategy has the goal to, “Develop homelessness prevention program & enhance temporary and emergency shelter for families.”
- i) The Richmond Housing Authority owns, manages, and/or subsidizes various types of publicly subsidized housing, including Project-based Section 8 units, section 202 senior housing, public housing units, tax-credit financed affordable housing, and housing rented with Section 8 workers. Publicly supported affordable housing programs are essential to meeting the housing needs of low-income Richmond residents.
- j) RHA can assist 1851 families, but currently has ~ 1701 units under lease. Many tenants who qualify for Section 8 rental assistance are unable to benefit from it. This results in a significant loss of income for the RHA and housing challenges for those residents. (Conversation with Richmond Housing, August 2018)
- k) The RHA waitlist includes 838 people from when it was opened in 2013 and an additional 1000 were added when the waitlist was opened in November, 2017. (Conversation with Richmond Housing, August 2018)
- l) The Richmond Housing Authority, which administers the Section 8 rent subsidy program, reports a shortage of housing providers participating in the Section 8 program and that many tenants who qualify for Section 8 rental assistance are unable to benefit from it because of the unavailability of participating housing providers.
- m) Richmond residents who are Section 8 voucher holders report difficulty in finding housing due to a smaller number of properties open to Section 8 holders. Other jurisdictions in the United States have seen upwards of 12 percent increase in acceptance of Section 8 Housing Choice Vouchers when similar ordinances have been passed barring the refusal to accept Section 8 Housing Choice Vouchers to pay for apartments.
- n) Richmond Section 8 voucher holders frequently report that housing providers say that Section 8 voucher holders are not accepted because “previous Section 8 voucher holders previously damaged their property.” In these instances, housing providers’ perception of Section 8 holders prevents them from accessing housing opportunities without giving the individual a chance to share references or demonstrate the ability to pay rent.
- o) It is not uncommon to find postings for apartments that state that they do not accept Section 8.
- p) Research shows that in desirable housing markets, Section 8 holders have limited mobility and are concentrated in neighborhoods with lower health outcomes (Center for Budget Priorities and Policies, 2015)
- q) For Section 8 holders, the median rent in Richmond is unaffordable. According to Zillow, the median rent for a 2 bedroom apartment in Richmond in May 2017 was \$2,211. The payment standard for Section 8 Housing Choice Voucher holders during this same time was \$1,893.
- r) As stated in the Health in All Policies strategy Action 4F, a lack of affordable housing or the increased use of deteriorated housing can have serious health implications. The difficulty of finding decent, stable housing for Section 8 holders in Richmond is an acute challenge to the dignity, public health, and equal opportunity for this population and the broader community.
- s) California Government Code §12921 prohibits housing discrimination based on source of income as defined by §12955(p)(1), which does not protect Housing Choice voucher holders as established by case law (SABI v. Sterling, 183 Cal.App.4th 916 (2010)); and California and federal law further requires the City of Richmond to identify impediments to providing affordable housing and to develop strategies for removing those impediments. In order to fulfill its

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commitment to fair housing, to increase affordable housing opportunities, and to fulfill its legal obligations it is necessary to prohibit housing discrimination based on source of income.

DEFINITIONS:

- A. "Affordable Housing" means any residential building in Richmond that has received City, State, or Federal fundings, tax credits, and other subsidies connected in whole or in part to developing, rehabilitating, restricting rents, subsidizing ownership, or otherwise providing housing for extremely low income, very low income, low income, and moderate income households.
- B. "Source of Income" means all lawful sources of income or rental assistance program, homeless assistance program, security deposit assistance program or housing subsidy program, including but not limited to the Section 8 Housing Choice Voucher Program. Source of income includes any requirement of any such program or source of income or rental assistance.
- C. "Section 8" refers to the federal housing choice voucher program for income-qualified households. It assists very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Local PHA pay the housing provider the amount equal to the difference between the tenant portion of the rent (30 percent of adjusted income, 10 percent of gross income, or the portion of welfare assistance designated for housing) and the contract rent. HUD pays the PHA an administration fee to cover costs of running the program, including accepting and reviewing applications, recertifying eligibility, and inspecting the rental units. Housing choice vouchers are administered locally by the RHA. The RHA receives federal funds from the U.S. Department of Housing and Urban Development (HUD) to administer the voucher program. The participant is free to choose any housing that meets the requirements of the program, and is not limited to units located in subsidized housing projects.
- D. "Housing Provider" shall mean any individual or entity that owns, master leases, manages, or develops Affordable Housing or market-rate housing in the City. Any agent, such as a property management company, that makes tenancy decisions on behalf of the above described entities shall also be considered a "Housing Provider."
- E. "Inquire" shall mean any direct or indirect conduct intended to gather information about source of income from or about an applicant, candidate potential applicant or candidate, or employee, using any mode of communication, including but not limited to application forms, interviews, and background check reports.

ORDINANCE:

Prohibited Activity. It shall be unlawful for any Housing Provider, person or persons to do any of the following acts wholly or partially because of a person's actual or perceived [race, color, ancestry, national origin, place of birth, sex, age, religion, creed, disability, sexual orientation, gender identity and] source of income:

1. To interrupt, terminate, or fail or refuse to initiate or conduct any transaction in real property, including, but not limited to, the rental thereof; to require different terms for such transaction; or falsely to represent that an interest in real property is not available for transaction;

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2. To include in the terms or conditions of a transaction in real property any clause, condition or restriction;
3. to refuse or restrict facilities, services, repairs or improvements for any tenant or lessee;
4. To make, print, publish, advertise or disseminate in any way, or cause to be made, printed or published, advertised or disseminated in any way, any notice, statement or advertisement with respect to a transaction in real property, or with respect to financing related to any such transaction, which unlawfully indicates preference, limitation or discrimination based on source of income.

Prohibited Economic Discrimination. It is unlawful for any person to use a financial or income standard for the rental of housing that does either of the following:

1. Any rental payments or portions of rental payments that will be made by other individuals or organizations on the same basis as rental payments to be made directly by the tenant or prospective tenant;
2. Fails to account for the aggregate income of persons residing together or proposing to reside together or an aggregate income of tenants or prospective tenants and their cosigners or proposed cosigners or proposed cosigners on the same basis as the aggregate income of married persons residing together or proposing to reside together.
3. Fails to account for any source of income in the form of a rent voucher or subsidy. If a landlord requires that a prospective tenant or current tenant have a certain threshold level of income, any source of income in the form of a rent voucher or subsidy must be subtracted from the total of the monthly rent prior to calculating if the income criteria have been met.

Records to Be Maintained.

- A. The Housing Provider must maintain records of all Section 8 applicant denials and the reason for denial.
- B. The Housing provider shall maintain such records for a period of three years from the date of the application.
- C. The Housing Provider shall permit the City access to these records for the purpose of making an audit, examination or review of performance data pertaining to this Ordinance

Remedies/Penalties.

Any housing provider who violates this Ordinance shall be liable for an amount up to four and one-half times the monthly rent of the real property at issue.

Civil Injunctive Relief.

Any aggrieved person may enforce the provisions of this chapter by means of a civil injunctive action. Any person who commits, or proposes to commit, an act in violation of this chapter may be enjoined there from by any court of competent jurisdiction. An action for injunction under this section may be brought by any aggrieved person, by the city attorney, the district attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class and the prevailing party may also recover court costs and reasonable attorney's fees.

Exceptions.

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Nothing in this chapter shall be deemed to permit any rental or occupancy of any dwelling unit or commercial space otherwise prohibited by law.

Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Effective Date.

This Ordinance becomes effective six (6) months after its final passage and adoption.

Updated 12/13/18

TITLE & PURPOSE

Fair Tenant Screening Ordinance

The purpose of this chapter is to promote neighborhood and community stability, fair and equal housing access, and affordability for renters in the City of Richmond by ensuring transparency in costs incurred by prospective tenants for tenant screening reports required by landlords as part of rental housing application processes. This chapter would require landlords to accept a verified and secure third party tenant screening report provided by the screening company on behalf of tenants when applying for rental housing. Prospective tenants would be able to use this report as many times as needed within a thirty day period for a single fee paid to third party companies who provide this service.

FINDINGS:

- (a) The City of Richmond, like other Bay Area jurisdictions, is facing a shortage of affordable housing.
- (b) Approximately one half of the Richmond residents are renters, and the percentage of overburdened Richmond renters increased from 34 percent in 2000 to 46 percent in 2015.
- (c) Application fees for rental housing create additional cost burdens for renters seeking new housing, often resulting in the exclusion of low-income people from applying for multiple housing options due to hardship of affording these fees. These fees are compounded with other deposits and advance rental payments which are often required in a competitive housing market.
- (d) Rental housing application fees are used by landlords to purchase tenant screening reports from third-party companies that are used to evaluate and select tenants for their rental properties. Tenant screening reports contain information about an applicant's credit, eviction, and criminal history, among other characteristics. Housing providers may purchase criminal background reports from countless private consumer reporting agencies. There are well over 600 companies offering consumer reports for residential tenant screening.
- (e) Applicants who apply for housing with multiple housing providers pay repeated screening fees for reports from different sources containing similar information. It is well documented that tenant screening reports often contain misleading, incomplete, or inaccurate information, such as information collected on someone with the same name, or information relating to expunged records, that may be unfairly used as a basis for denial of a prospective tenant's application.
- (f) Prospective landlords frequently do not provide applicants with a copy of their tenant screening report or a reason for denial of their application, and this lack of transparency makes it very difficult for prospective tenants to dispute potential errors and ensure the fair consideration of their application.
- (g) In accordance with the City's Fair Chance Access to Affordable Housing Ordinance (Chapter 7.110 of Article VII), this law would help ensure that affordable housing providers aren't improperly inquiring about prospective tenants' prior conviction status.

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- (h) The excessive costs and lack of transparency associated with tenant screening reports particularly impact Section 8 voucher holders, whose housing choices are already severely constrained by the shortage of housing providers participating in the Section 8 program.
- (i) Private screening companies are governed by the federal Fair Credit Reporting Act (FCRA) and state consumer protection laws. Under these laws, individuals have the right to know what information is included in the files of consumer reporting agencies, be told if information in a consumer report has been used to take adverse action against them, and dispute incomplete or inaccurate information within a report. Consumer reporting agencies are also required to correct or delete inaccurate, incomplete, or unverifiable information under the FCRA.
- (j) The General Plan of the City of Richmond states in the Policy H-4.2: Discrimination Prevention that it seeks to “Identify, monitor and prevent discriminatory housing practices.”
- (k) The City of Richmond General Plan Program states in the 5th Cycle Housing Element Goal H-4: Equal Housing Access for All that it will, “Strive to achieve equal housing access for all people regardless of race, religion, gender, marital status, age, ancestry, national origin, color, sexual orientation, familial status, source of income, or disability.”
- (l) As stated in the Health in All Policies Ordinance (Chapter 9.15) and Strategy document, The City of Richmond is committed to achieving the highest level of health for all Richmond residents. Housing insecurity and the challenges of finding housing in a competitive market is a major source of chronic stress which can lead to reduced health outcomes.

DEFINITIONS:

- (a) "Prospective tenant" shall mean a tenant, subtenant, lessee, sublessee or any other person who applies for residential housing that is governed under this chapter.
- (b) "Housing provider" shall mean any person or entity that owns, master leases, manages, or develops Affordable Housing or market-rate housing in the City. Any agent, including but not limited to a property management company, that makes tenancy decisions on behalf of one or more of the above-described entities shall also be considered a "housing provider."
- (c) "Tenant screening" shall mean using written or oral information about a prospective tenant in deciding whether to make or accept an offer for a prospective tenant to rent a residential rental property.
- (d) "Tenant screening agency" shall mean any person or entity which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating information about prospective tenants, including but not limited to credit history, eviction history employment history and conviction history, for the purpose of furnishing reports to housing providers.
- (e) "Comprehensive tenant screening report" shall mean a written communication prepared and provided by a tenant screening agency that includes, at a minimum, a prospective tenant's credit history and eviction history that a housing provider can use for purposes of tenant screening. A comprehensive tenant screening report may, but does not have to, contain additional information

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about a prospective tenant, such as employment history and Conviction History (as defined by section g).

- (f) "Reusable comprehensive tenant screening report" shall mean a comprehensive tenant screening report that is: (i) prepared by a tenant screening agency at the request of a prospective tenant; (ii) paid for by a prospective tenant; (iii) made available directly to a housing provider by the tenant screening agency; and (iv) reusable any number of times by a prospective tenant for a period of thirty days. The information included in any reusable comprehensive tenant screening report must comply with the federal Fair Credit Reporting Act, the California Consumer Credit Reporting Agencies Act, and/or the California Investigative Consumer Credit Reporting Agencies Act, as applicable.
- (g) "Conviction history" shall mean information regarding one or more convictions or unresolved arrests, transmitted orally or in writing or by any other means, and obtained from any source, including but not limited to the individual to whom the information pertains, public records or a commercially operated database relying on public records. Conviction History that may be considered by a housing provider is limited to Richmond's Fair Chance Access to Affordable Housing Ordinance (Chapter 7.110 of Article VII).
- (h) "Eviction history" shall mean information containing or summarizing the contents of any records of unlawful detainer actions concerning the prospective tenant that are reportable in accordance with state law and are lawful for landlords to consider as part of tenant screening.
- (i) "Adverse action" shall mean any action by a housing provider that is unfavorable to the interests of a prospective tenant. Examples of common adverse actions by housing providers in regard to the rental application process include: failing or refusing to rent or lease real property to an individual with or without cause, requiring a co-signer on the lease, requiring a deposit that would not be required for another applicant, requiring a larger deposit than might be required for another applicant, and raising the rent to a higher amount than for another applicant. Other adverse actions in the context of housing include: evicting a tenant, failing or refusing to add a household member to an existing lease, or reducing any tenant subsidy. The adverse action must relate to real property in Richmond.
- (j) "Reasonable attorneys' fees," where authorized in this chapter, shall mean an amount to be determined including the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation and ability of the lawyer or lawyers performing the services.

ORDINANCE:

Required acceptance of reusable comprehensive tenant screening reports.

- (a) If a housing provider wishes to conduct tenant screening on a prospective tenant, the housing provider must accept a reusable comprehensive tenant screening report made available by a tenant screening agency directly to the housing provider at no cost.

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- (b) The housing provider may not charge a fee to the prospective tenant in connection with the housing provider's access to or receipt or review of a reusable comprehensive tenant screening report.
- (c) A housing provider may conduct tenant screening of prospective tenants in addition to the reusable comprehensive tenant screening report, provided that the housing provider does not charge the prospective tenant for or in connection with such additional tenant screening except to the extent such additional screening does not duplicate information already included in the reusable comprehensive tenant screening report provided to the housing provider.

Notice to prospective tenants.

- (a) A housing provider shall provide written notice to all prospective tenants stating that the housing provider will accept a reusable comprehensive reusable tenant screening report furnished directly by a tenant screening agency if the prospective tenant so elects. The notice to prospective tenants must be featured at least as prominently as any other information about the housing provider's application process and must be included in the following:
 - 1. Any printed or electronic rental housing application form;
 - 2. Any website or online listing(s) maintained by the housing provider advertising the rental of a dwelling unit or as a source of information for current or prospective tenants;
 - 3. Any written or printed information prepared by or on behalf of the housing provider advertising the rental of a dwelling unit
- (b) Housing providers shall provide written notice to notify prospective tenants of the following information prior to obtaining any information about the prospective tenant or collecting any application fees:
 - 1. The landlord's tenant screening policy or criteria;
 - 2. If the housing provider conducts tenant screening of prospective tenants in addition to the reusable comprehensive tenant screening report, the name and address of any tenant screening agency used to conduct the additional screening and the prospective tenant's rights to obtain a free copy of the consumer report in the event of a denial or other adverse action, and to dispute the accuracy of information appearing in the consumer report.

Adverse action.

If a housing provider takes an adverse action against a prospective tenant based on any information provided by a tenant screening agency, the housing provider shall provide written notice of the adverse action to the prospective tenant that states the reasons for the adverse action. The adverse action notice must contain all information as may be required under the federal Fair Credit Reporting Act, the California Consumer Credit Reporting Agencies Act, or the California Investigative Consumer Credit Reporting Agencies Act.

Records to be maintained.

- (a) The housing provider shall maintain records of all adverse actions taken against any prospective tenant, as well as records of notices of adverse action sent in fulfillment of this Ordinance's requirements.
- (b) The housing provider shall maintain such records for a period of three years from the date of any prospective tenant's application.
- (c) The housing provider shall permit the City access to these records for the purpose of making an audit, examination or review of performance data pertaining to this Ordinance

Remedies/Penalties.

Any housing provider who violates this Ordinance shall be liable to the prospective tenant for an amount not to exceed three times any amount charged to a prospective tenant in violation of this Ordinance or five hundred dollars, whichever is greater.

Civil Injunctive Relief.

Any aggrieved person may enforce the provisions of this chapter by means of a civil injunctive action. Any person who commits, or proposes to commit, an act in violation of this chapter may be enjoined therefrom by any court of competent jurisdiction. An action for injunction under this section may be brought by any aggrieved person, by the city attorney, the district attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class. The prevailing party in any such action may also recover court costs and reasonable attorney's fees.

Exceptions.

Nothing in this chapter shall be deemed to permit any rental or occupancy of any dwelling unit or commercial space otherwise prohibited by law. Nothing in this chapter shall be deemed to permit or require any housing provider to utilize any particular method of tenant screening or to conduct any tenant screening in violation of any local, state or federal law.

Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

This section does not limit a prospective tenant's rights or the duties of a tenant screening agency or of a housing provider as otherwise provided in the federal Fair Credit Reporting Act, the California Consumer Credit Reporting Agencies Act, or the California Investigative Consumer Credit Reporting Agencies Act.

Effective Date.

This Ordinance shall become effective six (6) months after its final passage and adoption.



December 17, 2018

Richmond Rent Board
440 Civic Center Plaza
Richmond, CA 94804

Dear Mr. Traylor,

We understand that there is a Rent Board meeting December 19. Unfortunately, we have a prior commitment that we were not able to reschedule. However, as we had agreed to during our last conversation, USA Properties would like to provide the Rent Board with an update of the projects and concerns we have been addressing at Heritage Park at Hilltop within the last 30 days.

1. A resident meeting was hosted November 20 that approximately 70 residents attended. The meeting was an open forum for residents to voice concerns to management. The feedback we received from residents has been instrumental in determining our actions moving forward.
2. We have made staffing changes within the apartment community's management office. A temporary Community Manager and Assistant Manager are in place while we finalize our staffing plan, and we are committed to hiring a full-time, regular management team as soon as possible.
3. As compensation for the lack of on-site management presence during the October 27 power outage, we issued a one-day rent credit to all residents. The credit was issued for the December rent period.
4. We have completed a comprehensive inspection of our fire systems with a third-party company, including a review of the fire alarm panels, fire extinguisher, and fire doors, and have completed any recommended repairs.

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5. On December 5, 2018, a joint agency inspection was conducted with the Richmond Fire Department, Building Department and Code Enforcement, and Police Department. There were no immediate corrections noted or citations issued from this inspection. To date, we have received one report from the Crime Free Housing team and we are reviewing its recommendations. We are pending receipt of the additional agency reports.
6. We are purchasing portable evacuation chairs for each stairwell based on the recommendation of the fire department.
7. We are continuing our feasibility analysis of a temporary generator(s) for the building.
8. The issue of feces in the laundry equipment appears to be caused by residents with incontinence issues that are not pre-washing soiled items prior to using the common laundry facility in building A. To address this sensitive concern, we have posted signage that advises residents to prewash any soiled clothing prior to using the laundry equipment. We are also working with our social services provider to help educate our residents on this issue and provide assistance as needed.
9. We have inspected all call boxes to the buildings and have made any necessary repairs.
10. We have purchased emergency kits for each households. These kits are anticipated to arrive this week (December 17). Once received, we will coordinate a resident meeting where the kits will be discussed and distributed.
11. We are auditing the parking plan for the community to ensure that all households are in compliance. There are only 123 parking spaces within the community to accommodate 192 apartment homes, so waiting lists are maintained accordingly.
12. As a follow up to the resident meeting, we have met one on one with all residents that requested a private meeting to discuss their concerns or maintenance needs directly.
13. We will be executing a contract to begin a drive-through security patrol service for the community.
14. On December 5, 2018, LifeSTEPS, our social services provider, held a meeting to show residents how to register and use the PG&E text alert program. Ten residents attended for the meeting.
15. On December 14, 2018, we hosted our annual Holiday Party for residents. Approximately 75 people were in attendance for this celebration.

**ITEM F-2
ATTACHMENT 3**

16. At the request of residents, effective January 1, 2018, the community room will remain open daily until midnight.

If you have any questions or would like to discuss our handling of the situation, please feel free to contact me directly at 916-886-1260.

Sincerely,

USA Properties Fund, Inc.
USA Multifamily Management, Inc.

Angie Monges

Angie Monges
Regional Manager

Victoria Critchfield

Victoria Critchfield
Vice President, Operations

Cc: USA Properties Fund, Inc., Geoff Brown, President
USA Multifamily Management, Inc
April Atkinson, President
City of Richmond, Melvin Willis, Vice Mayor

