

Proposed Owner Move-In Regulations

Item G-1

December 16, 2020, Regular Meeting of
the Richmond Rent Board

Statement of the Issue

- At their meeting on November 18, 2020, members of the Rent Board received a presentation on revised proposed Owner Move-In eviction regulations and further discussed proposed Regulation 1009 (which would limit Landlords to one owner move-in eviction per property), specifically 1009 (C) 1 in the context of Richmond Municipal Code Section 11.100.050 (a) (6) (B).
- The Board opted to continue discussion of 1009 (C) 1 at the next Board meeting and directed staff to revise Regulation 1010 to provide that
 - (1) Tenants are strongly encouraged but not required to update the Rent Program of any permanent changes to their contact information
 - (2) The Rent Program shall actively assist in the exchange of this updated contact information between Tenants and Landlords.
- Additional direction: the change of address/contact information form shall contain a statement informing the Tenant that by using the form they consent to the information therein being provided to the Landlord.

Proposed Revised Regulation 1010

1. Tenants are strongly encouraged but not required to update the Rent Program of any permanent changes to their contact information
 2. The change of address/contact information form shall contain a statement informing the Tenant that by using the form they consent to the information therein being provided to the Landlord.
 3. The Rent Program may actively assist in the exchange of this updated contact information between Tenants and Landlords
2. Contact information. The Tenant shall inform the Landlord ~~and the Rent Program~~ of their most current address or contact information so as to permit the Landlord to reoffer the Tenant the Rental Unit if it ever should be offered for Rent. Tenants are strongly encouraged, but are not required, to update the Rent Program of any changes to their permanent contact information.
 3. Change of Address Form or other Contact Information: The Rent Program shall make available for access a blank change of address/contact information form that the displaced Tenant ~~can~~ may use to keep the Rent Program and the Landlord apprised of any future changes of address or contact information. Change of address/contact information form shall contain a statement informing the Tenant that by using the form they consent to the information therein being provided to the Landlord and that failure to update the Landlord ~~and/or the Rent Program~~ with the most up to date contact information may result in a forfeiture of their right of first refusal. The Rent Program may facilitate an update of the change of address between the displaced Tenant and Landlord. Where the Rent Program chooses to facilitate an update of the displaced Tenant's change of address, the Rent Program shall send the Landlord written notification of the displaced Tenant's new address. This written notification shall be sent to the address that the Landlord performed an eviction pursuant to Richmond Municipal Code Section 11.100.050(a)(6).
 4. Maintenance of Tenant Address or other Contact Information. The Landlord shall, and the Rent Program may, maintain the Tenant's contact information until a time of which the Tenant's right of first refusal has either vested or been extinguished. Although the Rent Program may choose to maintain the contact information of the

**Continued Discussion on RMC
11.100.050 (a) (6) (B)**

Pertinent Section of the Ordinance

RMC 11.100.050 (a) (6) (B)

(6) Owner Move-In. The Landlord seeks to recover possession in good faith for use and occupancy as a Primary Residence by the Landlord, or the Landlord's spouse children, parents or grandparents.

(A) Landlord, as used in this Subsection (a)(6), shall only include a Landlord that is a natural person who has at least a fifty (50) percent recorded ownership interest in the Property.

(B) No eviction may take place for an "owner move-in" if the same Landlord or enumerated relative already occupies a unit on the property, or if a vacancy already exists on the property. At all times a Landlord may request a reasonable accommodation if the Landlord or enumerated relative is Disabled and another unit in Richmond is necessary to accommodate the person's disability.

RMC 11.100.050 (a) (6) (B)

(B) No eviction may take place for an “owner move-in” if the same Landlord or enumerated relative already occupies a unit on the property, or if a vacancy already exists on the property. At all times a Landlord may request a reasonable accommodation if the Landlord or enumerated relative is Disabled and another unit in Richmond is necessary to accommodate the person’s disability.

Per the policy direction provided by the Board, to limit one OMI eviction per property, staff have drafted 1009 (C) 1 and 1009 (C) 4 which clarify RMC 11.100.050 (a) (6) (B) as follows:

If a 50% owner occupies a rental unit on the property (through OMI eviction or moving into vacant unit), that same Landlord cannot perform another OMI eviction whether for themselves or their enumerated relative on the property without a reasonable accommodation.

1009 (C) 1

C. Number of Allowable Evictions Under Richmond Municipal Code Section 11.100.050(a)(6).

A "Landlord" as defined in Richmond Municipal Code Section 11.100.050(a)(6), may, in good faith, evict a Tenant from a Rental Unit for the use and occupancy as a Primary Residence for themselves or for their spouse, children, parents, or grandparents.

1. A Landlord that meets the definition espoused in Richmond Municipal Code Section 11.100.050(a)(6) shall only be permitted to perform one Owner Move-In eviction on the Property for either themselves, their spouse, children, parents, or grandparents.

1009 (C) 4

4. If ~~any~~ Landlord as defined by Richmond Municipal Code Section 11.100.050(a)(6) or an enumerated relative already occupies ~~one a Rental Unit~~ on a Property, that same Landlord, whether on behalf of themselves or their enumerated relative, may not conduct an eviction ~~no eviction~~ pursuant to Richmond Municipal Code Section 11.100.050(a)(6), ~~may take place~~ unless there is a demonstrated need for a Reasonable Accommodation based on a qualifying Disability as defined by Government Code Section 12955.3

Interpretation 1

RMC 11.100.050 (a) (6) (B)

(B) No eviction may take place for an “owner move-in” if the same Landlord or enumerated relative already occupies a unit on the property, or if a vacancy already exists on the property. At all times a Landlord may request a reasonable accommodation if the Landlord or enumerated relative is Disabled and another unit in Richmond is necessary to accommodate the person’s disability.

If the word same applies only to the Landlord and not enumerated relative, the proposed regulation 1009 (C) 1 would align with RMC 11.100.050 (a) (6) (B)

- ❑ If the same Landlord or enumerated relative already occupies a unit on the property (or a vacancy exists), that same Landlord may not perform an OMI eviction neither for themselves on the property nor for enumerated relatives.
- ❑ If the enumerated relative, already occupies a rental unit on the property, the owner would not be able to perform an OMI eviction for additional enumerated relatives on the property.

In other words, the same Landlord who already occupies a rental unit on the property (or where there is a vacant unit) may not perform an OMI eviction for additional enumerated relatives.

Interpretation 2

RMC 11.100.050 (a) (6) (B)

(B) No eviction may take place for an “owner move-in” if the same Landlord or (same) enumerated relative already occupies a unit on the property, or if a vacancy already exists on the property. At all times a Landlord may request a reasonable accommodation if the Landlord or enumerated relative is Disabled and another unit in Richmond is necessary to accommodate the person’s disability.

If the word same applies to both the Landlord and enumerated relative, the proposed regulation 1009 (C) 1 could conflict with RMC 11.100.050 (a) (6) (B)

- ❑ If the same Landlord or same enumerated relative already occupies a unit on the property (or a vacancy exists), that same Landlord may not perform an OMI eviction for themselves on the property.
- ❑ If the same enumerated relative, already occupies a rental unit on the property, the owner would not be able to perform an OMI eviction for that same enumerated relative on the property, but could perform OMI evictions for enumerated relatives who do not already occupy a rental unit on the property.

In other words, a Landlord who already occupies a rental unit on the property is able to perform an unlimited number of OMI evictions for enumerated relatives, as long as those same relatives are not already occupying a rental unit on the property (or there is a vacant unit).

Deferring to the Courts

- The Board has discussed Regulation 1009 at the last three Board meetings and has yet to reach a consensus on how to interpret RMC 11.100.050 (a) (6) (B). Rather than pressing the adoption of the Regulation, another option the Board has is to defer to the courts. This will require parties to seek relief and clarification through the judicial process.

Next Steps

Upon receipt of further policy direction from the Rent Board, staff members will prepare revised regulations for the Board's consideration at their Regular Meeting in January.

Recommended Action

- CONTINUE DISCUSSION on proposed Regulation 1009 in the context of Richmond Municipal Code Section 11.100.050(a)(6)(B) and ADOPT proposed Regulation 1010 – Rent Program (Nicolas Traylor/Paige Roosa 620-6564).