



REQUEST FOR ADMINISTRATIVE DETERMINATION THAT THE RENT ORDINANCE (RMC 11.100) IS NOT APPLICABLE BECAUSE A UNIT IS “RENT FREE” OR “NOT AVAILABLE FOR RENT”

Eligibility Requirements

You must own at least a 50% interest in the property to seek a determination that the unit is not applicable to the Rent Ordinance due to a claim that the property is “rent free” or “not available for rent.”

Application Instructions and Considerations

The granting of a determination of inapplicability is not automatic.

All requests for a determination of inapplicability must be approved by the Executive Director or their designee. Determinations may be appealed to the Rent Board by completing the corresponding Appeal form, accessible at www.richmondrent.org.

The determination of inapplicability is not permanent.

Determinations of inapplicability expire when the owner who was granted the exemption no longer has a 50% ownership interest in the property or if the unit becomes rented or available for rent.

If the exemption is granted to you as an individual and title is later transferred into another form, such as a trust, the exemption will automatically lapse as an operation of law.

THE REVIEW PROCESS

If your request is determined to be incomplete, you may be contacted and provided with an opportunity to submit additional supporting evidence. Otherwise, your request will be returned with an explanation of what additional information or documentation is required.

Typical reasons why requests are deemed incomplete:

- Insufficient documentation.
- **Grant deed** submitted with the application is not recorded with the Contra Costa County recorder’s office or is insufficient to prove ownership.

Once the request is submitted and our investigation is complete, a staff member will determine whether to grant the request. If there are disputed facts or issues of law, or you wish to appeal the decision, you may be asked or be required to submit a Petition to Determine Exempt Status, available at <http://www.ci.richmond.ca.us/DocumentCenter/View/47091/Landlord-Petition-to-Determine-Exempt-Status--->

CHECKLIST

Applications will not be accepted unless accompanied by the following items:

- ✓ Completed and signed request form
- ✓ **Grant deed** and supporting documents (see reverse side of this page for a list of acceptable documents)

QUESTIONS?



Please contact the Rent Program at **(510) 234-RENT**

REQUIRED SUPPORTING DOCUMENTATION

Proof of Ownership

A **grant deed** showing the applicant's ownership interest in the property must accompany the Request for Exemption. Property owners must demonstrate a minimum 50% interest as a natural person(s) as of the date the application for exemption is submitted.

Acceptable

- ✓ **Grant deed** (or deeds) with stamp showing the date it was recorded, confirming the transfer from a third party and the chain of title

Insufficient

- Quitclaim deed (without a supporting **grant deed**)
- Deed of trust



Special instructions for properties held in a trust

If ownership is held in a trust, please submit a copy of the trust and the **grant deed** that transferred the property into the trust.

Evidence to Substantiate Claim of Inapplicability

FOR RENT-FREE CLAIMS: You must provide proof to substantiate that you do not collect Rent, as defined in RMC 11.100.030(j), from the occupant of the property.

Rent is defined as "All periodic payments and all nonmonetary consideration including, but not limited to, the fair market value of goods, labor performed or services rendered to or for the benefit of the Landlord under a Rental Housing Agreement, as defined in this Section, concerning the use or occupancy of a Rental Unit and premises, including all payment and consideration demanded or paid for parking, utilities, pets, furniture, subletting and security deposits for damages and cleaning." (Section 11.100.030(j), RMC)

FOR CLAIMS THAT THE PROPERTY IS NOT AVAILABLE FOR RENT: You must provide proof to substantiate that the property is not a Rental Unit, as defined in RMC 11.100.030(m).

Rental Unit is defined as, "Any building, structure, or part thereof, or land appurtenant thereto, or any other rental property rented or offered for rent for residential purposes, together with all Housing Services connected with use or occupancy of such property such as common areas and recreational facilities held out for use by the Tenant." (Section 11.100.030(m), RMC)

Examples of proof include: written, notarized, statements from the occupants of the premises declaring that no rent is collected or services are provided in lieu of rent for their use and occupancy of the premises; dated photographs of the premises with a declaration under penalty of perjury that the photos are of the subject property; written statements from neighbors declaring that the premises are not used for rent.

SPECIFY CLAIM OF INAPPLICABILITY:

This property is not applicable to the Fair Rent, Just Cause for Eviction, and Homeowner Protection Ordinance (RMC 11.100) for the following reason (check one):

- The property is "Rent Free"
- The property is Not Available for Rent
- Other (please explain: _____)

FOR RENT-FREE CLAIMS: You must provide proof to substantiate that you do not collect Rent, as defined in RMC 11.100.030(j), from the occupant of the property.

Rent is defined as "All periodic payments and all nonmonetary consideration including, but not limited to, the fair market value of goods, labor performed or services rendered to or for the benefit of the Landlord under a Rental Housing Agreement, as defined in this Section, concerning the use or occupancy of a Rental Unit and premises, including all payment and consideration demanded or paid for parking, utilities, pets, furniture, subletting and security deposits for damages and cleaning." (Section 11.100.030(j), RMC)

FOR CLAIMS THAT THE PROPERTY IS NOT AVAILABLE FOR RENT: You must provide proof to substantiate that the property is not a Rental Unit, as defined in RMC 11.100.030(m).

Rental Unit is defined as, "Any building, structure, or part thereof, or land appurtenant thereto, or any -other rental property rented or -offered for rent for residential purposes, together with all Housing Services connected with use or occupancy of such property such as common areas and recreational facilities held out for use by the Tenant." (Section 11.100.030(m), RMC)

Examples of proof include: written, notarized, statements from the occupants of the premises declaring that no rent is collected or services are provided in lieu of rent for their use and occupancy of the premises; dated photographs of the premises with a declaration under penalty of perjury; written statements from neighbors declaring that the premises are not used for rent.

INDICATE WILLINGNESS TO PARTICIPATE IN A SITE VISIT

Please indicate if you would be willing to participate in a voluntary site visit conducted by a City of Richmond City official. If you indicate "Yes," we may follow up with you to conduct a site visit.

- Yes
- No (please explain: _____)



DECLARATION

I declare under penalty of perjury that the foregoing is true and correct.

Executed this _____ day of _____, 20____
Day Month Year
at _____, California.
City

All owners listed as applicants on page 1 must sign.

Signature of Applicant

Signature of Applicant

Submission Checklist

Please confirm that you have attached the following documents before submitting this application:

- ✓ **Grant deed**
- ✓ Trust documents for a property held by a trust
- ✓ Supporting evidence

Please return completed form and supporting documentation using one of the methods below:

MAIL: Richmond Rent Program, 440 Civic Center Plaza, Suite 200, Richmond, CA 94804, Attn: Billing and Registration
IN PERSON: 440 Civic Center Plaza, 2nd Floor, Richmond, CA 94804 (M-F; 9-12 or 1-4)

EMAIL: rent@ci.richmond.ca.us