

AGENDA ITEM REQUEST FORM

Department: Rent Program

Department Head: Nicolas Traylor

Phone: 620-6564

Meeting Date: August 17, 2022

Final Decision Date Deadline: August 17, 2022

STATEMENT OF THE ISSUE: Council Member Bates has been approached by a constituent who would like to move into a unit they own that is currently rented out. Ordinance No. 02-21, the urgency ordinance the City Council enacted to halt most residential evictions during the pandemic, including owner move-in/owner relative move-in evictions. Before bringing this matter to the City Council for consideration, the recommendation of the Rent Board is requested. The three main options for consideration would be (1) terminating the moratorium, (2) modifying the moratorium to allow a property owner to evict a tenant so that they may move into their property, or (3) take no action and allow the moratorium to continue as is.

INDICATE APPROPRIATE BODY

- | | | | | |
|-----------------------------------------------------|---------------------------------------------------------------------------|------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------|
| <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

- | | | |
|---------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|---------------------------------|
| <input type="checkbox"/> Presentation/Proclamation/Commendation (3-Minute Time Limit) | | |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Regulation | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Contract/Agreement | <input checked="" 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: RECOMMEND the City Council consider the eviction moratorium and (1) terminate the moratorium, (2) amend the moratorium to allow a property owner to evict a tenant so that the owner may move into the property, or (3) make no changes. – Councilmember Bates (510-620-6743)

AGENDA ITEM NO:

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AGENDA REPORT

DATE: August 17, 2022

TO: Chair Finlay and Members of the Rent Board

FROM: Nat Bates, Council Member

SUBJECT: RECOMMENDATION TO THE CITY COUNCIL ABOUT AMENDING, TERMINATING THE TEMPORARY EVICTION MORATORIUM TO ALLOW OWNER MOVE INS, OR ALLOWING THE MORATORIUM TO CONTINUE AS IS

STATEMENT OF THE ISSUE:

Council Member Bates has been approached by a constituent who would like to move into a unit they own that is currently rented out. Ordinance No. 02-21, the urgency ordinance the City Council enacted to halt most residential evictions during the pandemic, including owner move-in/owner relative move-in evictions. Before bringing this matter to the City Council for consideration, the recommendation of the Rent Board is requested. The three main options for consideration would be (1) terminating the moratorium, (2) modifying the moratorium to allow a property owner to evict a tenant so that they may move into their property, or (3) take no action and allow the moratorium to continue as is.

RECOMMENDED ACTION:

RECOMMEND the City Council consider the eviction moratorium and (1) terminate the moratorium, (2) amend the moratorium to allow a property owner to evict a tenant so that the owner may move into the property, or (3) make no changes. – Councilmember Bates (510-620-6743)

FISCAL IMPACT:

There is no known fiscal impact to the Rent Board or the City of the proposal.

DISCUSSION:

Background

In response to the global pandemic, in March of 2021, the City Council adopted an ordinance that limited residential evictions.

Key Provisions of the Ordinance include:

During the Local Emergency and continuing for sixty (60) days afterward, a Landlord may not:

- (1) Evict a Tenant or require a Tenant to vacate a Residential unit, including by seeking the entry of an eviction judgment or by causing or permitting a writ of possession to be executed; or
- (2) Represent to a Tenant that the Tenant is required by law to move out of their unit.

The prohibitions 1-2 above do not apply where the sole grounds for eviction stated in the termination notice are:

- (1) A nuisance poses an imminent health or safety threat,
- (2) The Tenant has failed to pay rent that came due between March 1, 2020 and June, 30, 2021 pursuant to Code of Civil Procedure Section 1161(2), and/or
- (3) The termination is to remove the residential real property from the rental market, but only when authorized by Government Code section 7060 et seq. and performed consistent with Richmond Rent Board Regulation Chapter 5.

Other provisions provide that:

- (1) A nuisance that creates an imminent health and safety threat cannot be the Tenant's COVID-19-related illness or exposure to COVID-19, whether actual or suspected.
- (2) Notice statements required by this ordinance shall be written in all languages that the Landlord and/or the Landlord's agents normally use for verbal communications with the Tenant as well as the language in which the lease or agreement was originally negotiated.
- (3) In any action brought to recover possession of a Residential unit where the notice of termination was served during the Local Emergency or sixty (60) days after, a Landlord must allege and prove strict compliance with the Ordinance. Failure to do so shall result in the Landlord having failed to establish its prima facie case.
- (4) Failure to strictly comply with the Ordinance may be asserted as an affirmative defense in any action brought to recover possession of a Residential unit where the notice of termination was served during the Local Emergency or sixty (60) days after

Discussion

Councilmember Bates would like the Council to consider either ending the moratorium on residential evictions or amending it to allow property owners or their qualifying relatives to move into their own property. Councilmember Bates would like the recommendation of the Rent Board before proceeding to the City Council.

Attachment:

Ordinance 02-21

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