

OWNER MOVE-IN EVICTIIONS



CITY OF RICHMOND RENT PROGRAM

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DISCUSSION TOPICS

**Just Cause for
Eviction**

**Eviction Noticing
Requirements**

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Requirements and
Protections**

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**City of Richmond
Urgency Ordinance
13-22**

Final Tips

JUST CAUSE FOR EVICTION

RMC 11.100.050

Residential Tenants can only be evicted for one of the following “Just Causes”(notice must state the reason):

- **Failure to Pay Rent** (after having been served a three-day notice to pay or quit)
- **Breach of Lease** (if a Tenant continues to violate the lease after being warned in writing to cease the violation(s))
- **Nuisance** (if a Tenant continues to cause a nuisance after being warned in writing to cease causing the nuisance)
- **Failure to Give Access** (if a Tenant continues to deny a Landlord lawful entry per Civil Code 1954, after receiving a written warning to cease denying lawful entry)
- **Temporarily Vacate in Order to Undertake Substantial Repairs***
- **Owner Move-In***
- **Withdrawal from Rental Market (Ellis Act)***
- **Temporary Tenancy**

**Relocation Payment required – See Relocation Ordinance established by the City Council (RMC 11.102)*

JUST CAUSE FOR EVICTION: NOTICING RULES RENT BOARD REGULATION 1001

- Landlord must submit a copy of any termination of tenancy notice served on a Tenant within 2 business days of serving the Tenant, along with a proof of service.
- The termination of tenancy notice should be submitted online at <https://www.ci.richmond.ca.us/3387/Termination-of-Tenancy>. For properties with five or fewer units, the Landlord may submit the notice by mail.
- Failure to file the termination of tenancy notice timely may be asserted by the Tenant as an affirmative defense in an unlawful detainer (eviction) proceeding.

EVICTION FOR OWNER OR OWNER RELATIVE MOVE-IN (“OMI”)

- The owner wants to recover possession of the rental unit as a **Primary Residence** for the owner, or the owner's spouse, children, parents, or grandparents.
- An owner in this section is considered an actual person who has at least 50% recorded ownership.
- An eviction for owner move-in cannot occur if the same owner or chosen relative already lives in a unit on the property, or if a vacancy already exists on the property.
- At all times an owner can request a reasonable accommodation if the owner or chosen relative is disabled and another unit is necessary to accommodate the person's disability.

TENANTS HAVE A FIRST RIGHT OF REFUSAL TO RETURN IF THE RENTAL UNIT IS EVER PLACED BACK ON THE MARKET.

OWNER MOVE-IN NOTICING REQUIREMENTS

- The Tenant must be served with an Owner Move-In Notice (Termination of Tenancy). The Owner Move-In forms may be downloaded from our website or by using the following link: https://www.ci.richmond.ca.us/DocumentCenter/View/57190/Owner-Move-In-Termination-Notice--Notice-of-Entitlement--Tenant-Assertion-Forms_updated-012023?bidId=.
- Owner must give Tenant at least a 60-day written termination notice, if the tenancy has been in place for more than a year.
- Within **two (2) business days** after serving the Tenant a termination of tenancy notice, the Landlord must file a copy of the notice with the Rent Board with the completed proof of service. Failure to do so renders the notice of termination null and void.

OWNER MOVE-IN REQUIREMENTS

- The person moving in shall move into the Rental Unit within 90 days after the Tenant vacates and must occupy the unit as a primary residence for at least 36 consecutive months.
- The owner must pay one-half of the applicable Relocation Payment within three business days after the Tenant has informed the owner in writing when the Tenant plans to vacate the unit. The remaining half is due within three business days after the Tenant has vacated the unit.
- If the owner or chosen relative fails to occupy the unit within 90 days after the Tenant vacates, the owner shall:
 1. Offer the unit to the Tenant who vacated it; and
 2. Pay the tenant all reasonable expenses incurred in moving to and from the unit.
- Rent Controlled Property. If the Tenant moves back to the property (or the first intervening tenancy), the rent charged must revert back to the level paid by the displaced tenant and the owner may be eligible to apply applicable Annual General Adjustment (AGA) rent increases. Landlord must provide tenant with proper noticing requirements for rent increases.
- Non-Rent Controlled Property. If the Tenant moves back to the property, the owner may apply rent increases. Landlords are not restricted to the AGA rent increases. Landlord must provide tenant with proper noticing requirements for rent increases.

PROTECTIONS FOR SENIORS OR DISABLED PERSONS FROM OWNER MOVE-IN

- An owner **may not** evict through owner move-in if the Tenant meets the following criteria:
 - (1) has resided in the Rental Unit for at least five (5) years
AND
 - (2) is at least 62 years old, Disabled **OR** is certified as being terminally ill by the Tenant's treating physician.
- An owner **may** evict a Tenant who is protected if the owner or chosen relative also meet the same criteria and no other units are available.

PERMANENT RELOCATION PAYMENT

RMC 11.100.050 & 11.102.030

- Must be provided to Tenants whose tenancy is terminating due to **Owner Move-In** or **Withdrawal from the Rental Market** or under extenuating circumstances due to governmental order to vacate or health and safety conditions.
- Notice of Entitlement to Relocation Payment must be provided with the notice of termination of tenancy for Owner Move-In and Withdrawal from the Rental Market.
- Amount determined by a resolution of the Richmond City Council. (*see next slide*).

Owner Move-In (R.M.C. 11.100.050(a)(6)) (2023)

Unit Type	Base Amount	Qualified Tenant Household Amount
Studio	\$4,177.01	\$4,852.86
1 Bedroom	\$6,449.74	\$7,431.79
2+ Bedroom	\$8,783.46	\$10,072.94

Withdrawal from Rental Market (R.M.C. 11.100.050(a)(7)) (2023)

Unit Type	Base Amount	Qualified Tenant Household Amount (c)
Studio	\$8,415.04	\$9,643.50
1 Bedroom	\$12,899.49	\$14,864.77
2+ Bedroom	\$17,505.92	\$20,147.05

- (a) If a Rental Unit is occupied by one Tenant then the entire per unit Relocation Payment shall be paid to the Tenant. If more than one Tenant occupies the Rental Unit, the total amount of the Relocation Payments shall be paid on a pro-rata share to each Eligible Tenant.
- (b) The Relocation Payments will be calculated on a per Rental Unit basis, distributed on a per Tenant basis, and includes a maximum cap per Rental Unit.
- (c) A “Qualified Tenant Household” is any household that includes at least one Tenant that is a Senior Citizen, Disabled, or has at least one child under the age of 18 living in the household, resides in a lower income household as that term is defined in California Health and Safety Code, Section 50079.5, or is displaced due to an owner move-in and the tenant has a terminal disease as that term is defined in California Health and Safety Code, Section 443.1(q).
- To view this information online, please visit: <https://www.ci.richmond.ca.us/3679/Fees>

POST-OWNER MOVE-IN REQUIREMENTS (REG. 1010)

- **Initial Certification** – A Landlord who evicts a tenant or where a Tenant vacates following a notice for OMI, whether or not the notice is withdrawn, must submit to the Rent Program a completed certificate within 30 days of the Tenant vacating the unit. This certificate is mainly for the Landlord’s contact information and details about the departed tenancy.
- **Statement of Occupancy** – Within 30 days of occupancy, the Landlord must file a Statement of Occupancy attesting to the occupancy in addition to any evidence of occupancy as required by the Rent Program Form.
- **Continued Occupancy Certification** – Every 12 months from the initial move-in date, for 36 months, the Landlord must submit a certificate that the Landlord or qualifying relative continues to reside or not reside in the unit as a Primary Residence.
- **All of the above forms can be found on the Rent Program website** on the “Owner Move-In Information” page under the “Termination of Tenancy” tab.

URGENCY ORDINANCE 02-21

- On March 23, 2021, the **Richmond City Council** adopted Urgency Ordinance No. 02-21 ("Eviction Moratorium") establishing a temporary moratorium on certain evictions of residential tenants in Richmond through the “local emergency” and sixty (60) days thereafter.
- While the Urgency Ordinance is in effect, landlords are prohibited from evicting tenants in certain circumstances.
- This version allowed only 3 grounds for eviction.

URGENCY ORDINANCE 13-22

- On October 25, 2022, the Richmond City Council amended Urgency Ordinance No. 02-21 by passing Urgency Ordinance No. 13-22, to allow for Owner Move-In Evictions. These changes took effect on November 25, 2022.
- Under the newest version of the Urgency Ordinance, there now exists **four (4)** grounds for allowable evictions while the Ordinance is still in place:
 1. A nuisance which poses an imminent health or safety threat;
 2. The tenant has failed to pay rent; and/or
 3. Ellis Act – To remove the residential real property from the rental market.
 4. **The termination is necessary where the owner or qualifying owner-relative intends to occupy the property to perform an Owner or Relative Move-In.**

SPEAK TO AN ATTORNEY - EVICTIONS CAN BE HIGHLY TECHNICAL. IT IS *HIGHLY* RECOMMENDED TO CONSIDER SPEAKING TO LEGAL COUNSEL TO BETTER UNDERSTAND THE PROCESS AND CURRENT LAW, AND TO POSSIBLY HAVE THE ATTORNEY REPRESENT YOU IN COURT. LEARN ABOUT TENANT AND LANDLORD RESPONSIBILITIES AND EDUCATE YOURSELF ABOUT BOTH CALIFORNIA AND RICHMOND EVICTION LAWS.

NO-FAULT EVICTIONS SUCH AS OWNER MOVE-IN (AND WITHDRAWAL FROM THE RENTAL MARKET) CAN BE AND USUALLY ARE COMPLICATED. NO-FAULT EVICTIONS REQUIRE SPECIAL NOTICING, PERMANENT RELOCATION PAYMENTS AND MAY PROVIDE SPECIAL RIGHTS TO THE TENANT (SUCH AS THE RIGHT TO MOVE BACK IN AT THE RENT PAID WHEN TENANT VACATED THE PROPERTY AND PROTECTED STATUS FOR “QUALIFIED LONG-TERM TENANTS). IF YOU ARE A LANDLORD, CONTACT THE RICHMOND RENT PROGRAM IF YOU ARE CONSIDERING ISSUING ANY OF THESE NOTICES OR DOCUMENTS.

THE EVICTION PROCESS HAS FIRM DEADLINES, WHICH, IF NOT MET, CAN LEAD TO THE TENANT BEING EVICTED. IF AN UNLAWFUL DETAINER COMPLAINT (EVICTION LAWSUIT) IS RECEIVED, TENANTS GENERALLY ONLY HAVE A CERTAIN AMOUNT OF DAYS TO RESPOND WITH AN ANSWER TO THE UNLAWFUL DETAINER. IF A TENANT DOES NOT FILE THE ANSWER TO THE UNLAWFUL DETAINER WITH THE COURT WITHIN THE ALLOWED TIME, THE JUDGE MAY ENTER A DEFAULT JUDGMENT AGAINST THE TENANT.

THANK YOU!

Richmond Rent Program

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Or

Visit us at:

www.richmondrent.org