



FY 2020-2021 Rent Review Fee: Frequently Asked Questions

This document answers the following questions:

1. Why do I have to pay this fee? What is the fee going towards?
2. How do I know if my unit is considered a Covered Rental Unit or not?
3. Why do landlords have to pay the fee and not tenants?
4. I was charged for the wrong number of units. How do I fix it?
5. I no longer own that property. What do I do?
6. I believe my rental unit is exempt from the Covered Rental Unit fee because the property is affordable housing. What do I do?
7. I believe I am exempt from the Residential Rent Stabilization Administration Fee because the property is a hotel or motel. What do I do?
8. I believe my unit is exempt from the Residential Rent Stabilization Administration Fee because the property is an owner-occupied ADU. What do I do?
9. I am exempt from the Covered Rental Unit fee because the property is a single-family unit. What do I do?
10. My unit was previously decontrolled. Do I still have to pay the fee?
11. Why do I have to pay both the rent review fee and the rental inspection fee?
12. Why haven't I received a bill yet?
13. How do I pay my fee?
14. Does the City prorate fees?

Question 1: Why do I have to pay this fee? What is the fee going towards?

Answer: On July 25, 2019, the Hayward City Council passed the Residential Rent Stabilization and Tenant Protection Ordinance. Per Section 12-1.17 of that ordinance, landlords for all rental units, including covered, are required to pay an annual per unit fee to cover the cost of administering the ordinance. The fee supports the cost of administration for the ordinance, including staffing and the cost of mediation and arbitration, as well as educational workshops and resources for both landlords and tenants.

Question 2: How do I know if my unit is considered a Covered Rental Unit or not?

Answer: Broadly, **Covered Rental Units** were built before 1979. There are a few major exceptions to this that would make a unit built before 1979 not covered under the Rent Increase Threshold section of the Ordinance:

- Single unit properties that are exempt due to state law (Costa Hawkins);
- Owner occupied properties with a legal accessory dwelling unit such as a converted garage;
- Affordable housing units with other rent controls;
- Hospitals, care facilities, convalescent homes, and transitional housing;
- Motels, hotels, inns, and boarding houses;
- Non-profit cooperative units owned or occupied by most of the owners.





Rental Units are defined in the Residential Rent Stabilization and Tenant Protection Ordinance as “Any building, structure, or part thereof, or appurtenant thereto, or any other rental Property Rented or offered for Rent for living or dwelling purposes, including houses, apartments, rooming or boarding house units, and other real properties used for living or dwelling purposes, together with all Housing Services connected with the use or occupancy of such Property.” Mobile homes and mobile home spaces are not considered Rental Units under this Ordinance.

Question 3: Why do landlords have to pay the fee and not tenants?

Answer: For Covered Rental Units, the cost of the rent review fee can be split between landlords and tenants. Per the Ordinance, landlords may pass-through half the cost of the fee. Rental Units that are not covered do not have rent increase limitations, so while landlords of Rental Units may be subject to state legislation regarding rent caps, nothing in Hayward’s ordinance prohibits them from including the fee or a portion of the fee in tenants’ rent.

Question 4: I was charged for the wrong number of units. How do I fix it?

Answer: You will need to fill out the declaration form available on the website (or mailed to you, if your unit was classified as a Covered Unit) and send it to the Rent Review Office with documentation reflecting the correct number of units.

1. If recent **construction or developments** have changed the number of units, we will need documentation of those changes to verify the correct number of units.
2. If **you or a property manager live in one of the units** (and the manager does not pay rent), you will need to provide us with at least two forms of documentation that you or a property manager live there. Once confirmed, we will adjust the bill to reflect the correct number of units. If a manager pays rent in one of the units, that unit is still subject to a fee.

Question 5: I no longer own that property. What do I do?

Answer: You will need to contact the Rent Review Office. We will confirm the change in ownership. If the information is up to date in our records, we will cancel your bill and invoice the new owner. However, if the information is not up to date, you may need to work with the Alameda County Assessor’s Office to change the record of ownership. Until that update is processed, the owner of record is responsible for the fee.

Question 6: I believe my rental unit is exempt from the Covered Rental Unit fee because the property is affordable housing. What do I do?

Answer: You will need to provide the Rent Review Office with the completed declaration form included in the bill (a copy is also available online) and documentation that demonstrates that the rents for the affordable units are restricted by another government agency. Once we have that documentation, we can adjust the invoice. If your tenants receive Section 8, you will need to provide documentation (like your contract with the housing authority) verifying that the tenant has a Section 8 voucher. Once you provide the Rent Review Office with the required documentation, that specific unit will be classified as a Rental Unit (as opposed to a Covered Rental Unit).





Question 7: I believe I am exempt from the Residential Rent Stabilization Administration Fee because the property is a hotel or motel. What do I do?

Answer: You will need to fill out the declaration form available on the website (or mailed to you, if your unit was classified as a Covered Unit) and send it to the Rent Review Office with documentation supporting that it is a hotel or motel. We will verify that our records reflect that the property is a hotel or motel. If our records reflect that the property is a hotel or motel, we will cancel the bill. However, if the information is not up to date, you may need to work with the Alameda County Assessor's Office to change the status of the property. Until that update is processed, the fee will be assessed.

Question 8: I believe my unit is exempt from the Residential Rent Stabilization Administration Fee because the property is an owner-occupied ADU. What do I do?

Answer:

1. Properties with ADUs where the owner of record occupies one unit but rents out the other unit are exempt from the rent increase threshold provision of the ordinance (in other words not classified as a Covered Rental Unit) but the Landlord will still need to pay the \$19/unit Rental Unit fee for each unit that is a rental.
 - a. If your bill needs to be adjusted, you will need to fill out the declaration form available on the website (or mailed to you, if your unit was classified as a Covered Unit) and send it to the Rent Review Office with two separate forms of documentation that the ADU is owner-occupied (e.g., a utility bill, driver's license copy, cable bill, etc.). Upon receiving the documentation, we will confirm the status of the property in our records and make the necessary adjustments to your bill.
2. Properties with ADUs that are not owner occupied and were built before 1979 are considered Covered Rental Units and are subject to the \$40/unit Covered Rental Unit fee.
3. Properties with ADUs that are not owner occupied and were built after 1979 are considered Rental Units and are subject to the \$19/unit Covered Rental Unit fee.

Question 9: I believe I am exempt from the Covered Rental Unit fee because the property is a single-family unit. What do I do?

Answer: You will need to fill out the declaration form available on the website (or mailed to you, if your unit was classified as a Covered Unit) and send it to the Rent Review Office with documentation that it is a single-family unit. Once verified, Staff will make the necessary adjustments to the bill.

Question 10: My unit was previously decontrolled. Do I still have to pay the fee?

Answer: Hayward City Council enacted an updated Residential Rent Stabilization and Tenant Protection Ordinance in July 2019. This new Ordinance does not have any provisions for decontrolling a unit. Therefore, any previous decontrol provided under the old Ordinance no longer applies. If you have further questions about whether or not your rental unit is covered under the new Ordinance, you can contact the Rent Review Office.

Question 11: Why do I have to pay both the rent review fee and the rental inspection fee?

Answer: These two fees were established under two separate City ordinances and are therefore assessed at different times and through different mechanisms.





Question 12: Why haven't I received a bill yet?

Answer: It is possible we do not have the correct mailing address for you. Please contact the Rent Review Office so we can look up your information, determine if a bill was issued, and make sure your information is correct in our system.

Question 13: How do I pay my fee?

Answer: Fees may be paid in the following ways:

1. *Online:* To make an online payment, please visit <https://haywardselfservice.us/hss/>. At the website, click on "Miscellaneous Bills" to make your payment. You will need your Account ID and Customer ID to link and register an account. Online payments require a \$3.95 processing fee.
2. *By mail:* Mail a check along with the payment form you received with your bill from the Rent Review Office. Checks should be made payable to "City of Hayward." All checks postmarked on or before the due date specified in the bill statement will be accepted as on time. Please mail checks to:
Office of the Rent Review
777 B Street
Hayward, CA 94541
3. *In person:* Due to COVID-19 safety protocols, the City's Revenue Division at City Hall is not open for in-person services. The Revenue Division does have a drop-box located at the entrance to City Hall where you can drop off your payment. City Hall is located at:
City Hall
777 B Street
Hayward, CA 94541

Question 14: Does the City prorate fees?

Answer: No, the City does not prorate fees. Per Section 8-1.25 of the City of Hayward Municipal Code, there is no proration of license fees. For more information visit: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH8FIRETA_ART1BULI_S8-1.25LIPR.

