



Presents:

**Repairs, Maintenance and Habitability
Workshop for Property Owners & Managers**

February 26, 2020

Who are we?

Project Sentinel, Inc. is a non-profit housing services agency serving many communities in Northern California. Neutral Landlord /Tenant Counseling and Dispute Resolution is one our core services. This includes supporting some Cities with the administration of their rent stabilization hearing and petition processes.

Michael Dittmer, Rent Stabilization Programs Analyst

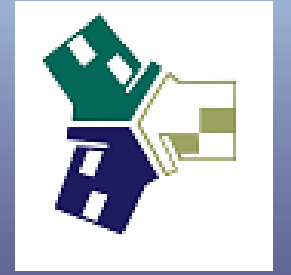
Emily Hislop, Rent Stabilization Programs Manager

PLEASE NOTE: We are not able to offer legal advice or legal representation, but we can offer tips, best practices, and an overview of local and State laws. For legal services, please contact an attorney or a lawyer referral service.



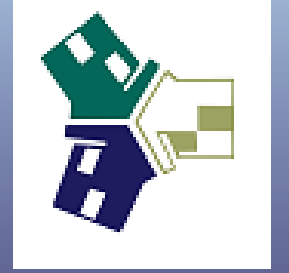
AGENDA

- 1. Hayward RRSO Introduction**
- 2. Laws Governing Habitability**
- 3. Tenant Options for Habitability Concerns**
- 4. How You Can Respond, as a Landlord**
- 5. Hayward Code Enforcement**
- 6. Addressing Habitability Concerns, Rights and Responsibilities**
- 7. Final Notes**



Hayward RRSO Introduction

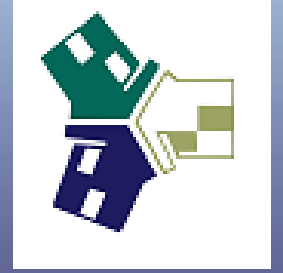
What is the RSSO?



The City of Hayward encourages investment in local residential rental housing by allowing landlords to make a fair return on their real estate investments while also protecting the welfare of its citizens who are its tenants. The goals of the RSSO are to:

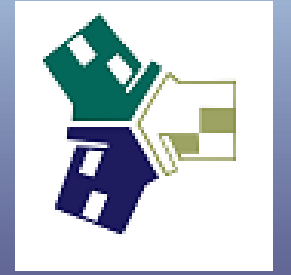
1. Stabilize rising rents
2. Provide eviction protections to tenants
3. Ensure a fair rate of return to landlords
4. Provide protection from harassment and retaliation
5. Stop bias about sources of income (including Section 8 vouchers)

How long has the RRSO been law?



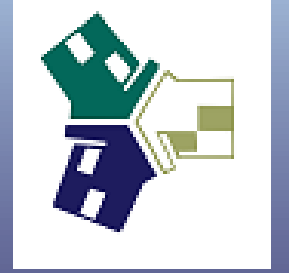
Hayward City Council approved the Residential Rent Stabilization Ordinance (RRSO) summer of 2019 which completely replaced the old rent review ordinance. The RRSO has been in effect since:

July 25, 2019



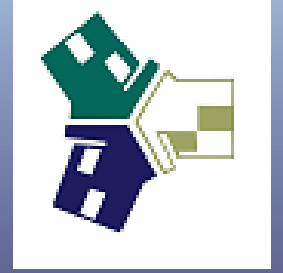
Habitability

What is habitability?



- Habitability: Unit is safe and in livable condition
- Applies to ALL dwelling units
- Protects ALL tenants, regardless of lease status or building type
- State and local law set forth standards and requirements

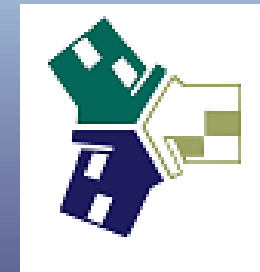
What makes a unit habitable?



- Adequate waterproofing and weather protection
- Plumbing in good working order
- Heat
- Electrical lighting/outlets
- Hot and cold running water
- Bathroom facilities
- Kitchen sink
- Clean/sanitary premises
- Floor, stairways, railings maintained
- Premises free of pests and significant health and safety hazards
- Locking door/windows
- Smoke and CO2 detectors

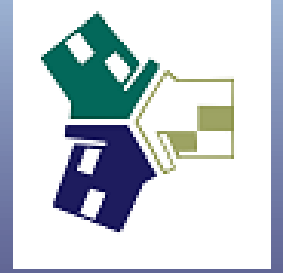
State law sources: CA Civil Code §§ 1941.1-.3, CA Health & Safety Code §17920.3, et seq., Uniform Housing Code

What is expected of landlords?

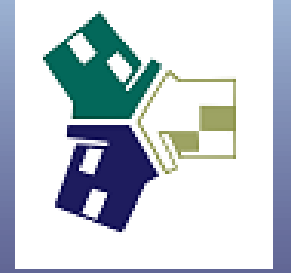


- Maintain units and property in habitable condition
- Respond to reported maintenance issues in a timely matter
- Adequately address repairs and or code violations
- Provide tenants with a way to report maintenance issues (ph #, email, portal, etc.), including a number to call for after hours emergency issues
- Tip: Keep records and/or log of maintenance requests

What is expected of tenants?



- Maintain cleanliness of unit
- Properly ventilate kitchens/bathrooms
- Waste/trash disposal
- Properly operate appliances
- Not damage the premises
- No alterations without consent of landlord
- Use unit/services as intended
- Promptly notify landlord of any problems!
- Allow entry for needed repairs



Other Maintenance Issues & Service Reductions

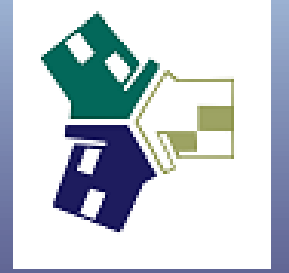
What is a Housing Service?



A service provided by the Landlord related to the use and occupancy of the Rental Unit. This can include:

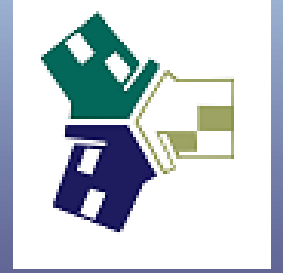
- Repairs
- Maintenance
- Painting
- Lighting
- Elevator service
- Laundry facilities
- Janitorial service
- Refuse removal
- Furnishings
- Parking
- Security services
- Employee services

What is a service reduction?



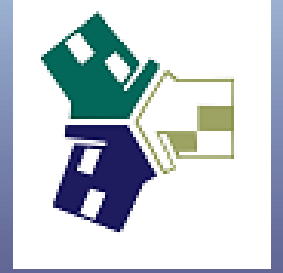
- Services or amenities previously included or promised, but no longer provided
- Issue may not be essential to habitability
 - Example: Nonfunctioning stove or refrigerator
- Includes broken or closed-off common facilities

What is a service reduction?

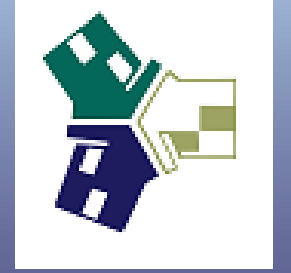


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Is it a Service Reduction?

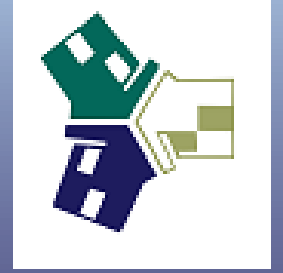


- Issues that often come up in petitions and mediations:
 - Paint
 - Carpets
 - Window coverings
- No hard and fast rules re: when items should be replaced
- If tenant requests replacement, work with tenant and consider age of item and their reasons for requesting replacement



Addressing Habitability / Service Reduction Issues

Communication and Tips



- Provide tenants with a good method of notifying you of issues
- Respond to reported issues in a timely matter
- Keep tenant updated as to the status (including when you believe the matter is resolved)
- Adequately address repairs and or code violations
- Keep records (emails, invoices, etc.), log phone calls or in-person communications

Tenant Options to Address Concerns



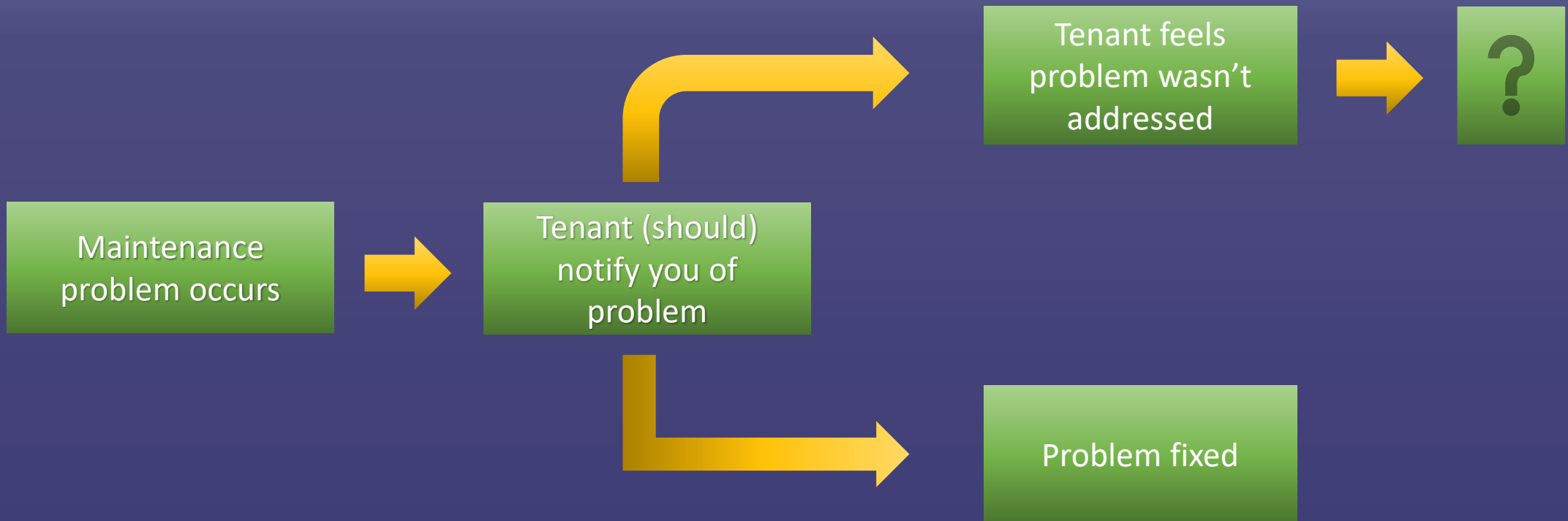
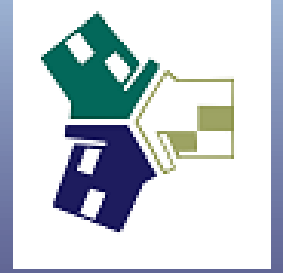
Less Severe Options

- Notifying landlord of problem/requesting fix (in writing is best!)
- Filing petition through City of Hayward
- Requesting code enforcement inspection

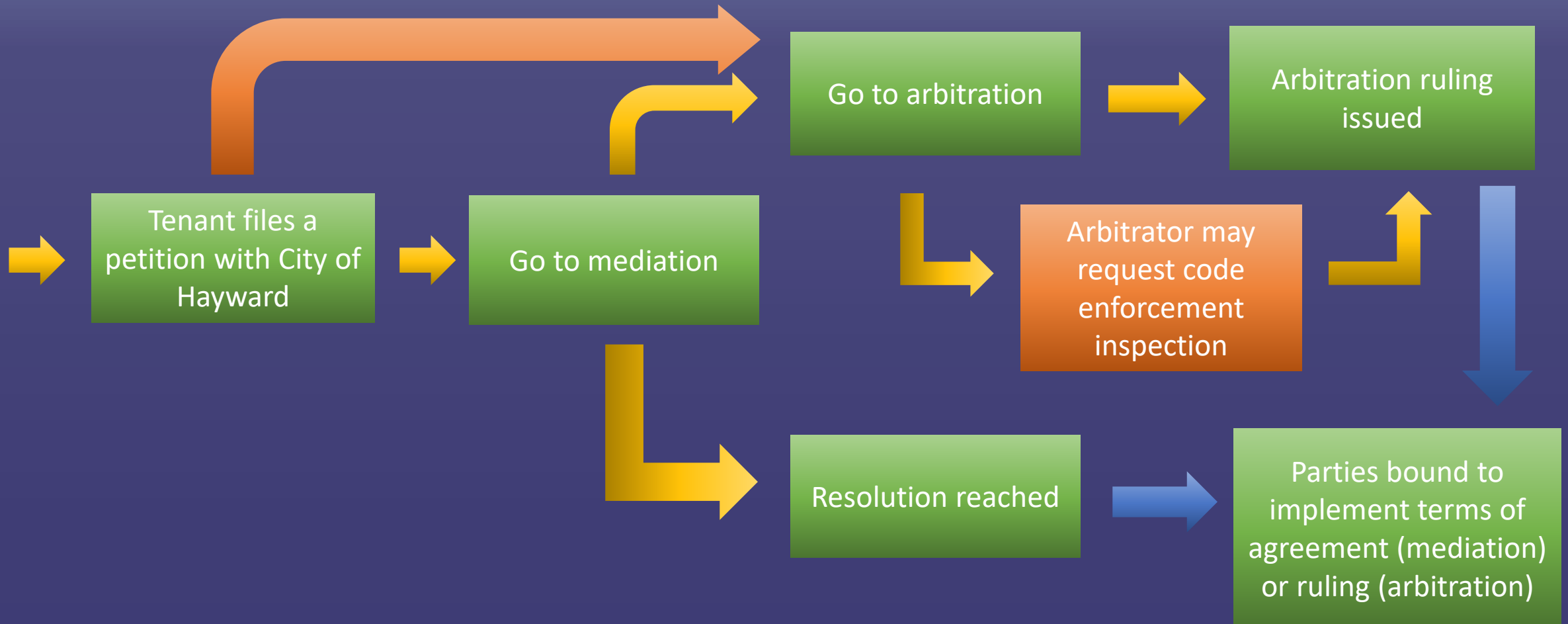
More Severe Options

- Withholding rent
- Filing suit in small claims court
- Breaking lease/vacating unit

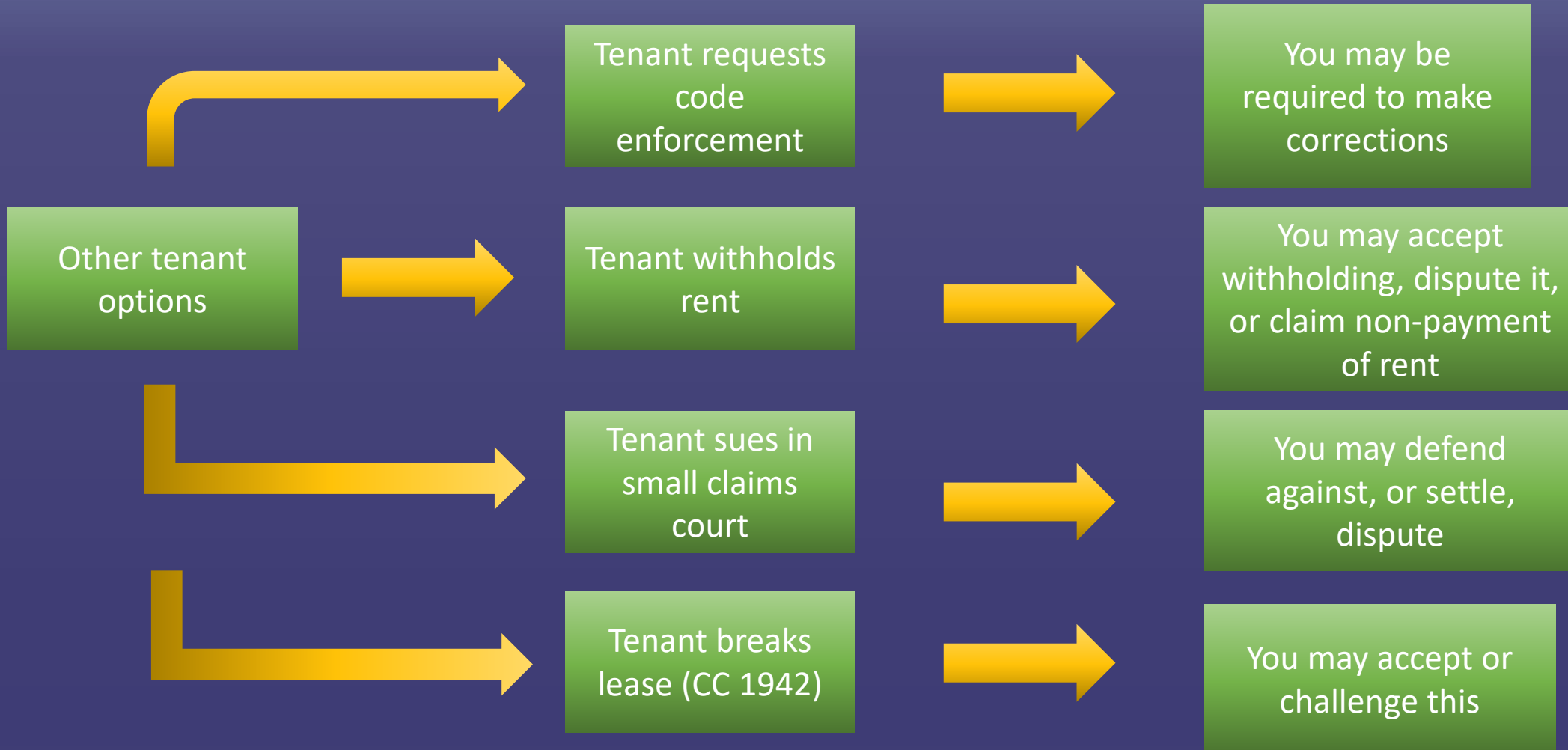
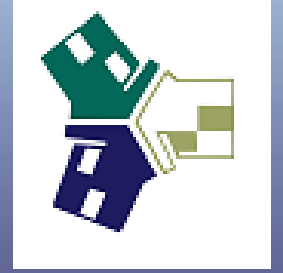
Getting Started

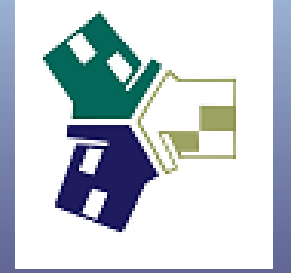


Hayward RRSO Process



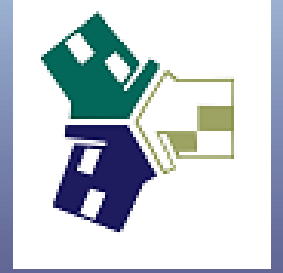
Other Tenant Options





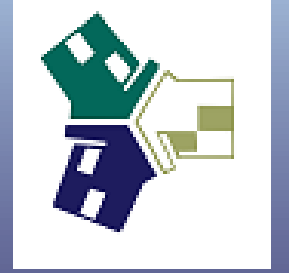
How Property Owners / Managers Can Respond

Hayward RRSO Petitions



- Gives tenants the right to challenge habitability issues or service reductions via the petition process
- “...to request review of a rent increase when the covered rental unit has uncured health, safety, fire, or building violations.” (RRSO Sec. 12-1.07)(b)
- “...to request a reduction in Rent based on decreased Housing Services” (RRSO Sec. 12-1.07)(b)

Responding to Habitability Petitions



- Use same response form for both habitability and/or service reduction petitions
- You will receive copy of petition to review/respond to claims
- Tenant must contact you after filing to “Meet & Confer”
 - Great opportunity to try and resolve issue!

Landlord Response Form: A Snapshot



Date: _____ Address(es): _____
Case #: _____ Unit #(s): _____

This form may be used as a written response and/or statement to a pending RRSO tenant or landlord petition. As a party to this petition, the tenant or landlord must submit a written response to the petition and any documents, photos, etc. at least five (5) days before the mediation. If the petition will go directly to arbitration, a written statement and supporting documents must be submitted at least seven (7) days before the arbitration hearing.

A written response is a statement that addresses the issues and/or facts raised in the Petition. A written response may be accompanied with supporting documentation (photos, letters, emails, receipts, etc.). Please note, you do not have to use this form to submit a written response. A response may be submitted to the Rent Review Hearing Administration via email or US Mail.

Hayward RRSO Hearing Administration
Email: hayward@hrcasms.org
Mailing address: Project Sentinel, 1490 El Camino Real, Santa Clara, CA 95050

Parties must attend the mediation or arbitration, even if they have submitted a response and/or documentary evidence. If a party wishes to have a representative appear on their behalf, an Authorized Representative Form must be submitted to the Rent Review Officer prior to the mediation or arbitration.

I. RESPONDING PARTY(IES) INFORMATION

I am a: <input type="checkbox"/> Tenant <input type="checkbox"/> Landlord <input type="checkbox"/> Property Manager	
<input type="checkbox"/> Authorized Representative of a Tenant, group of Tenants, or Landlord Name of represented party(ies): _____	
Name(s): _____	Phone Number(s): _____
Company (if applicable): _____	
Address: _____	Email(s): _____

II. MEDIATION/ARBITRATION

Mediation: The first step in the RRSO petition process is mediation. Mediation is a confidential meeting with the tenant(s) and the landlord or the landlord's representative facilitated by a professional neutral mediator. The mediator will help the parties discuss the issues presented in this petition and assist them in reaching an agreement. If the parties reach an agreement, it will be written down by the mediator. If no agreement is reached, the case would proceed to arbitration.

(check if applicable) I wish to participate in mediation.

Rev. 7.30.2019 Page 1

Arbitration: Similar to a court proceeding, an arbitrator holds a hearing where both sides present evidence. Arbitrators may request documents from parties and question parties and/or their witnesses. Within twenty-one (21) days after the Hearing, the arbitrator issues a legally binding decision based on the parties' arguments and evidence.

Pursuant to Section 12-1.07(i), parties may agree to waive mediation and proceed directly to arbitration. Such a request must be in writing and must be made no later than seven (7) days before the mediation date.

(check if applicable) I wish to waive mediation and proceed directly to arbitration.

III. RESPONSE (attach additional pages if necessary):

Rev. 7.30.2019 Page 2

Supporting Documents: In support of the Response above, I am attaching the following documents with this response:

- _____
- _____
- _____
- _____
- _____

IV. SCHEDULING

The Mediation/Arbitration will be scheduled no earlier than fourteen (14) days and no later than forty-five (45) days after the acceptance of filing the petition. Please identify dates/times you are available during that time frame after that time and if there are specific dates/times you are not available (you may be general – e.g. "Mondays and Wednesdays, am available after 3pm."). Mediations/Arbitrations can take 2 to 3 hours.

Do you need an interpreter for the mediation/arbitration? No. Yes. Language: _____

V. SETTLEMENT TERMS (OPTIONAL)

For the purpose of expediting a resolution to the issues in the petition, do you have proposed terms that may resolve the issues (e.g. percentage of rent increase, terms to resolve service reductions etc.):

[Signature page follows]

Rev. 7.30.2019 Page 3

I/we affirm under penalty of perjury that the information I/we have provided here is true and correct to the best of my/our knowledge.

I/we understand that once this petition is filed, I/we have the right to withhold disputed rent until a decision is made by an arbitrator.

Signature: _____

Print Name: _____

Date: _____ I opt in for communication via email

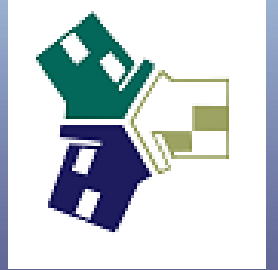
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Rev. 7.30.2019 Page 4

Landlord Response Form: Page 1



Mailing address: Project Sentinel, 1490 El Camino Real, Santa Clara, CA 95050

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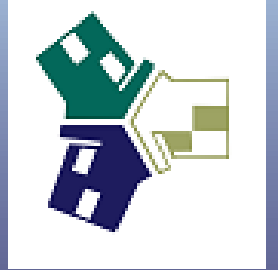
Settlements
and/or
agreements
excepted

Necessary in order
to move process
forward

Cannot dissuade/deter
tenant to petition



Landlord Response Form: Page 2



Necessary in
order to move
process forward



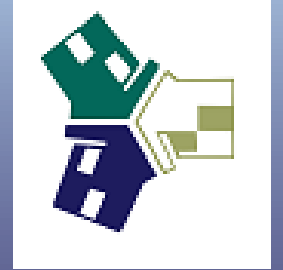
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Landlord Response Form: Page 3



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3. _____
4. _____
5. _____

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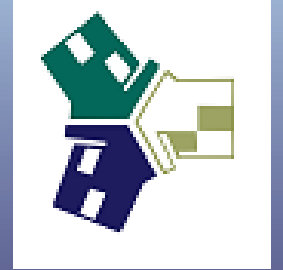
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[Signature page follows]

Must be requested in advance of hearing



Landlord Response Form: Page 4



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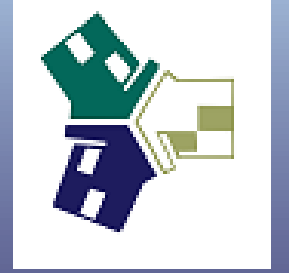
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Makes
communication
much easier

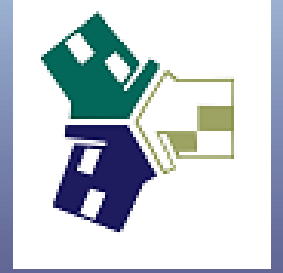
What to include with Response



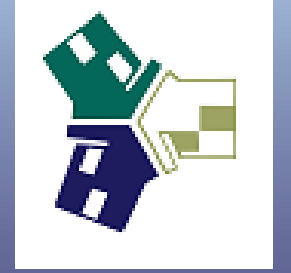
Types evidence to support your response:

- Copies of communication: texts (take a screenshot), letters, email, etc.
- Photos
- Receipts, work orders, and other documentation of repairs
- Code enforcement reports

Utilize Mediation Process!

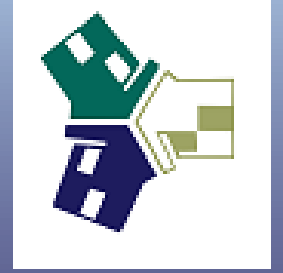


- After receiving Petition, try to resolve issue directly with tenant
- If no resolution, participate in mediation
- Mediator does not make decisions or give opinions
- Goal is to assist parties in reaching a mutual agreement of their own making



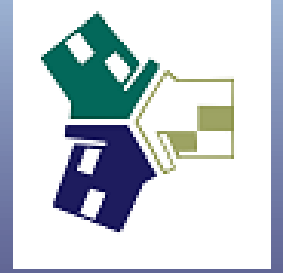
Hayward Code Enforcement

Hayward RRIP



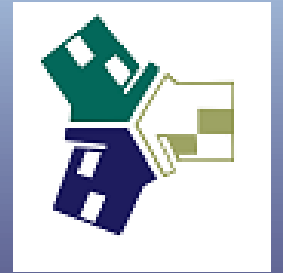
- The Rental Housing Inspection Program (RRIP) ensures residential rental properties are maintained to minimum standards of health, life and safety
- City conducts mandatory and complaint based rental inspections throughout the year
- Objective is to identify and correct substandard housing conditions through voluntary compliance from landlords/property owners
- Intent to educate property owners and tenants re: preventative maintenance to meet minimum health and safety standards.

Hayward Code Enforcement: Sample Violations



- Missing smoke detectors
- Broken shower doors
- Mold or dampness in rooms
- Peeling or flaking paint

Access Hayward: A Snapshot



The screenshot shows a web browser window with the URL `user.govoutreach.com/hayward/support.php?cmd=shell`. The page features a navigation bar with icons for POLICE, FIRE, AIRPORT, and LIBRARY, and a main menu with links for DISCOVER, RESIDENTS, BUSINESS, SERVICES, YOUR GOVERNMENT, and YOUR ENVIRONMENT. The Hayward logo is prominently displayed.

The main content area is titled "Access Hayward" and includes a "View Knowledgebase" link and a "Sign in" button. The primary focus is the "Residential Rental Inspection Program" form, which includes a "CHANGE TOPIC" button and the following fields:

- * Enter issue location or drag red marker on map
- * Property Type: (Please Select)
- Adopt A Block: (Please Select)
- * Describe your problem or question in detail

At the bottom of the form is a file upload area with the text "Drag image(s) here, or click to select file(s)".

To the right of the form is a Google Maps interface showing a street view of Hayward, California. The map includes labels for various landmarks such as the Hayward Public Library, Palace Poker Casino, St. Regis Retirement Center, and Memorial Park. A red pin indicates the "Issue location" on the map, and a legend at the bottom identifies the pin as "Issue location" and a yellow pin as "Other issues for this topic".

Requesting Rental Unit Inspection

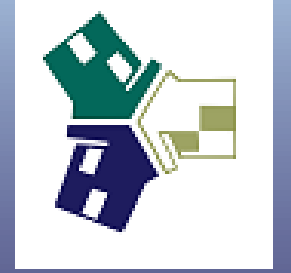


Online: Access Hayward

<https://www.hayward-ca.gov/services/city-services/request-rental-unit-inspection-possible-code-violations>

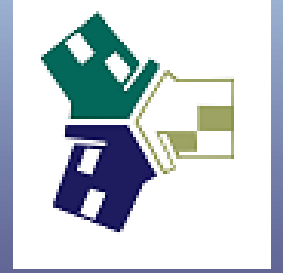
Phone: (510) 583-4175

Email: RentalInspectionProgram@hayward-ca.gov



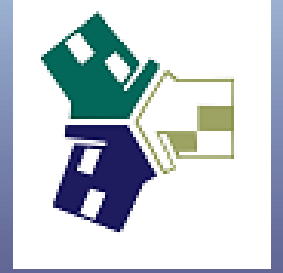
Right of Entry by Landlord

Lawful Entry



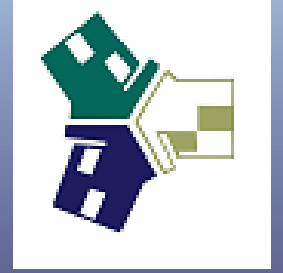
- You may enter the unit under the following conditions:
 - In case of emergency
 - To make necessary repairs, modifications, or improvements
 - To present unit to prospective buyers or new tenants
 - When the tenant has abandoned the unit
 - Pursuant to a court order

Lawful Entry

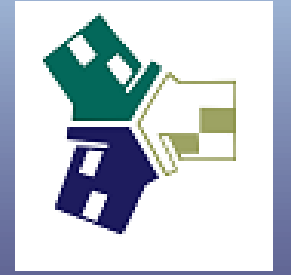


- In order to lawfully enter under such conditions, you must:
 - Enter during normal business hours (emergencies and tenant abandonment excepted)
 - Give written notice at least 24 hours before entry
 - For mailed notices, mailed at least 6 days prior to entry
- Failure of tenant to grant *lawful* access is grounds for eviction

Exceptions to notice of entry

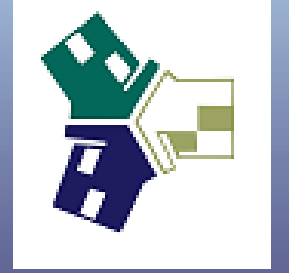


- In case of an emergency
- Tenant has abandoned or permanently vacated unit
- Tenant has consented to entry on the spot



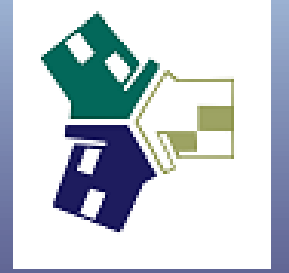
Final Notes

Tips



- Keep communication open so that tenants will proactively report problems
- Update tenants on status of repairs
- Document and clarify any potential issues
- File responses in advance of mediation meetings

Contact Information



- Any questions about RRSO
 - Hayward Rent Review Office
 - 510-583-4454
 - housing@haywardca.gov
- *After* a petition is filed with the City
 - 510-709-4561
 - Hayward@housing.org