



Presents:

**Repairs, Maintenance and Habitability
Workshop for Tenants**

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

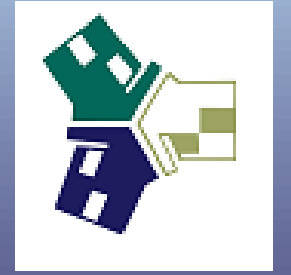
Emily Hislop, Rent Stabilization Programs Manager

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.



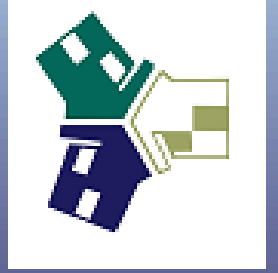
AGENDA

- 1. Hayward RRSO Introduction**
- 2. Habitability**
- 3. Housing Services**
- 4. Options for Habitability/Service Reductions Concerns**
- 5. Hayward RRSO Petition Forms (Habitability)**
- 6. Hayward Code Enforcement**
- 7. Landlord Regulations Regarding Habitability**
- 8. Final Notes**



Hayward RRSO Introduction

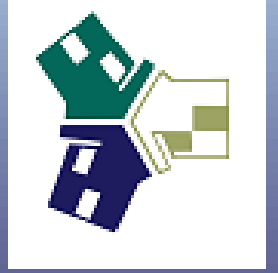
What is the RSSO?



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:

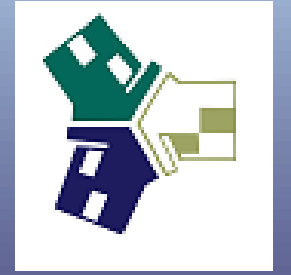
1. Stabilize rising rents
2. Provide eviction protections to tenants
3. Ensure a fair rate of return to landlords
4. Provide protection from harassment and retaliation
5. Stop bias about sources of income (including Section 8 vouchers)

How long has the RRSO been law?



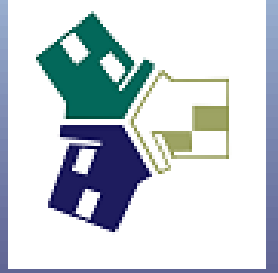
Hayward City Council approved the Residential Rent Stabilization Ordinance (RRSO) summer of 2019 which completely replaced the old rent review ordinance. The RRSO has been in effect since:

July 25, 2019



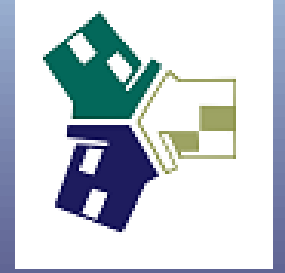
Habitability

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

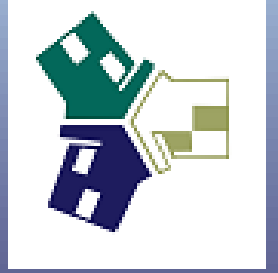
What makes a unit habitable?



- 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

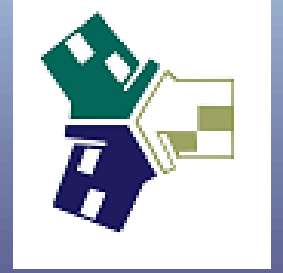
State law sources: CA Civil Code §§ 1941.1-.3, CA Health & Safety Code §17920.3, et seq., Uniform Housing Code

What is expected of landlords?

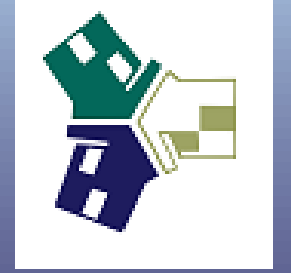


- Maintain units and property in habitable condition
- Respond to reported maintenance issues in a timely matter
- Adequately address repairs and or code violations
- Provide tenants with a way to report maintenance issues (ph #, email, portal, etc.), including a number to call for after hours emergency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

What is expected of tenants?

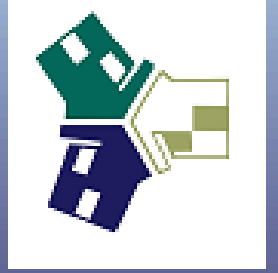


- Maintain cleanliness of unit
- Properly ventilate kitchens/bathrooms
- Waste/trash disposal
- Properly operate appliances
- Not damage the premises
- No alterations without consent of landlord
- Use unit/services as intended
- Promptly notify landlord of any problems!
- Allow entry for needed repairs



Other Maintenance Issues & Service Reductions

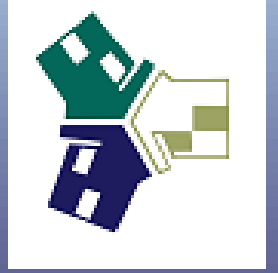
What is a Housing Service?



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

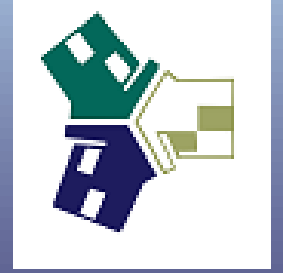
- Repairs
- Maintenance
- Painting
- Lighting
- Elevator service
- Laundry facilities
- Janitorial service
- Refuse removal
- Furnishings
- Parking
- Security services
- Employee services

What is a service reduction?



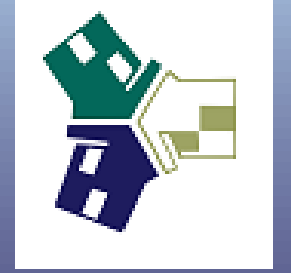
- Services or amenities previously included or promised, but no longer provided
- Issue may not be essential to habitability
 - Example: Nonfunctioning stove or refrigerator
- Includes broken or closed-off common facilities

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 replacement needed, work with landlord* and file petition if necessary

**preferably in writing (email, notes, texts) so you have a record.*



Options for Habitability/Service Reduction Concerns

Options to Handle Habitability



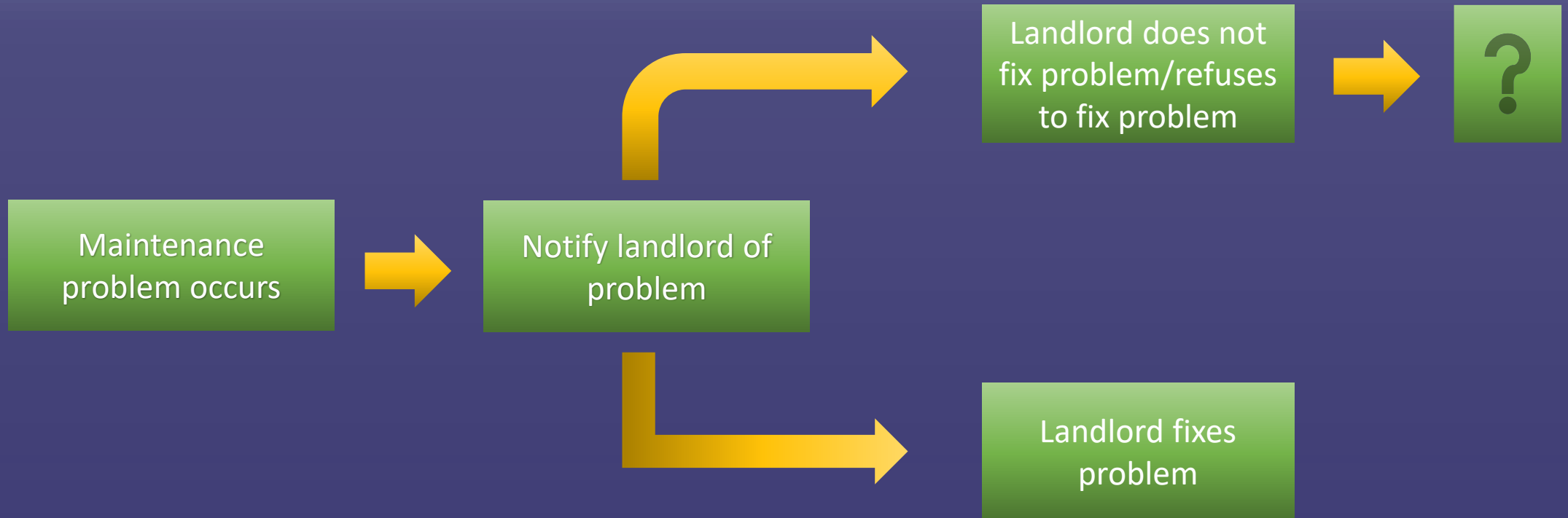
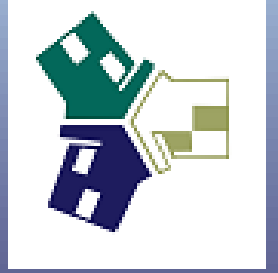
Less Severe Options

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

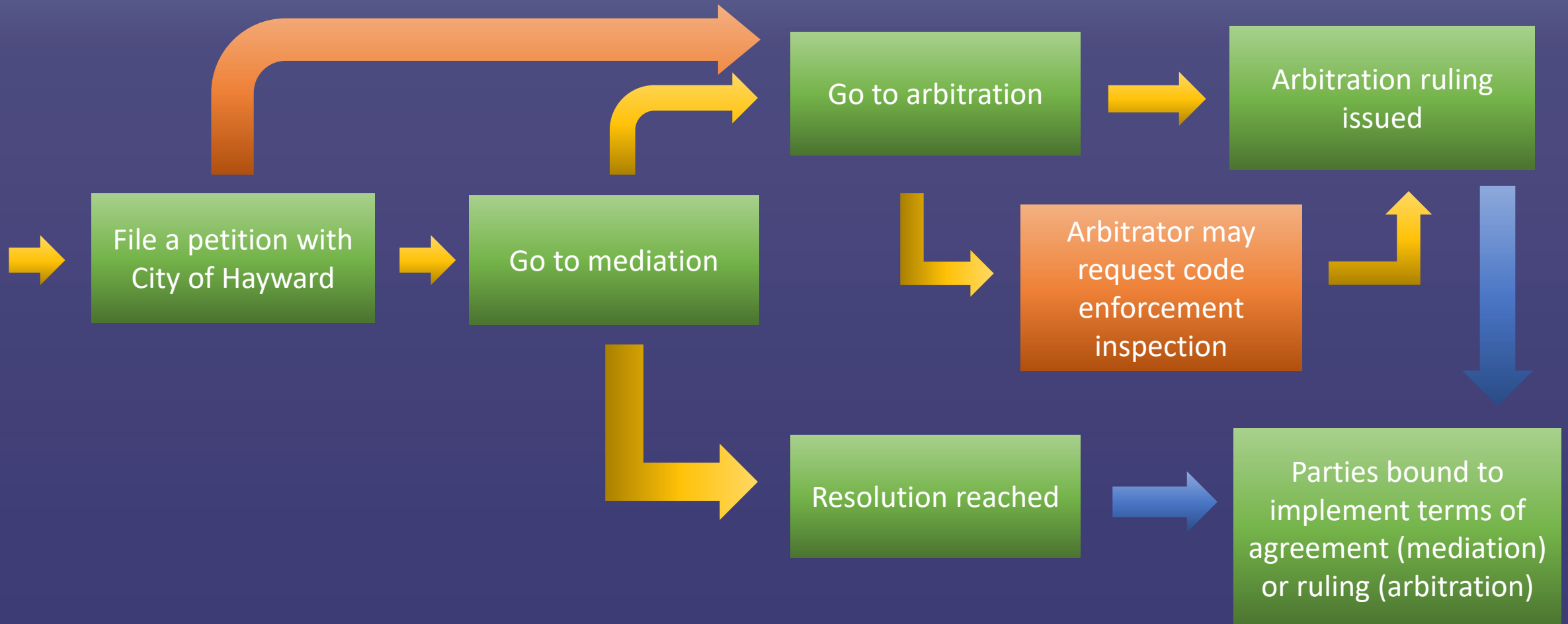
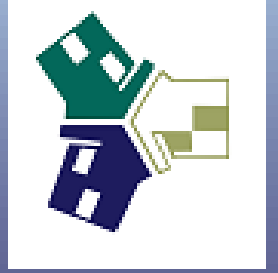
More Severe Options

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

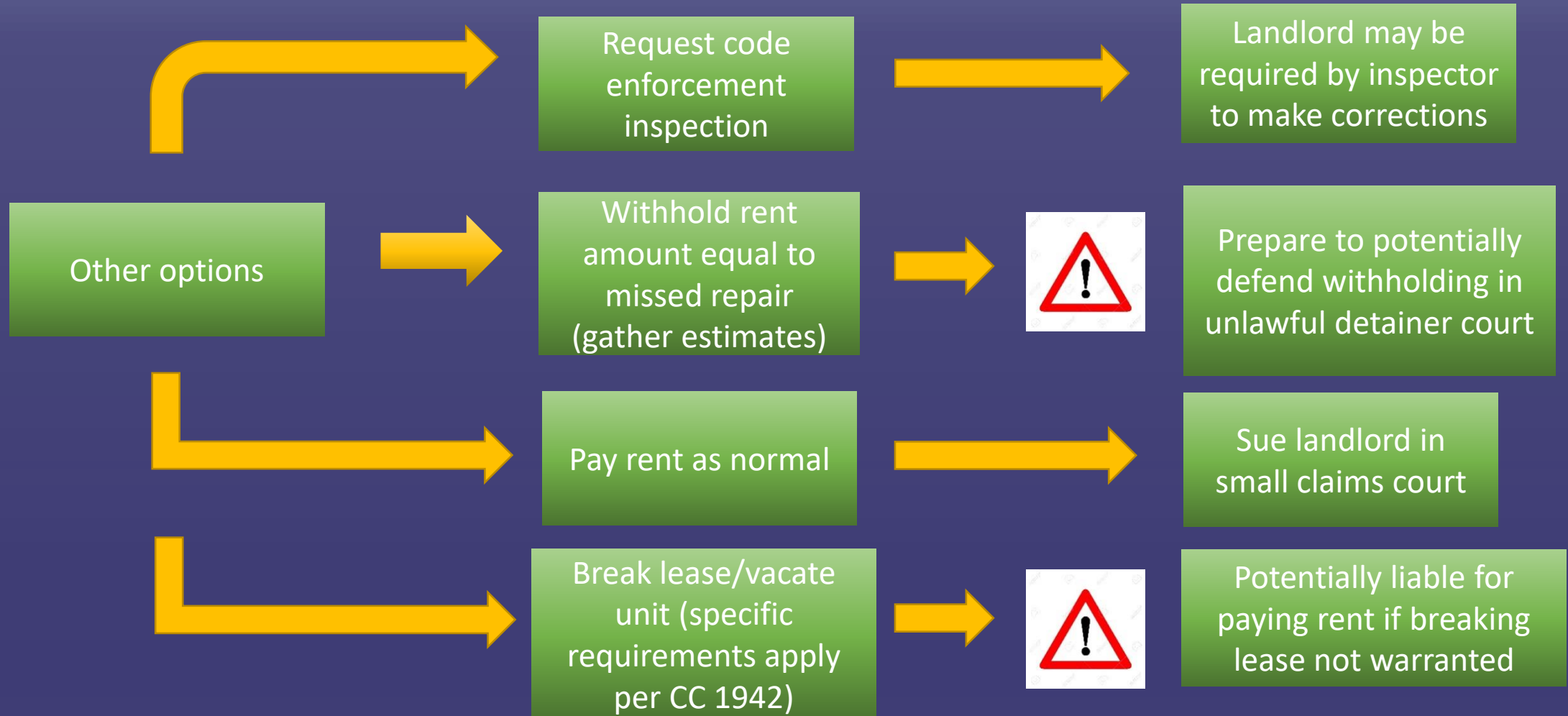
Getting Started

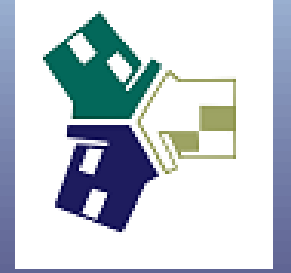


Hayward RRSO Process



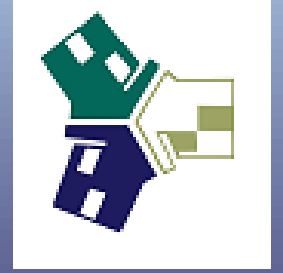
Other Options





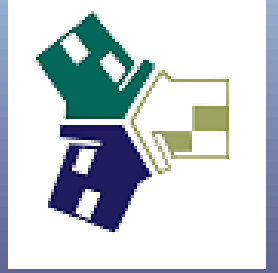
RRSO Petition Habitability/Service Reduction

Hayward RRSO Petitions



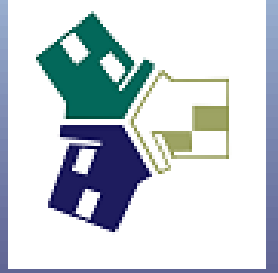
- Gives tenants the right to challenge habitability issues or service reductions via the petition process
- “...to request review of a rent increase when the covered rental unit has uncured health, safety, fire, or building violations.” (RRSO Sec. 12-1.07)(b)
- “...to request a reduction in Rent based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

Petitioning Habitability Concerns



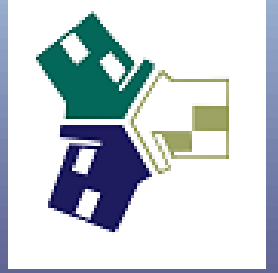
- Unit has essential habitability concerns
- Check petition box #7:
 - ✓ “I’m requesting a review of a rent increase because the property has health, safety, fire, building violations, or repairs that the landlord will not make.”

Petitioning Service Reductions



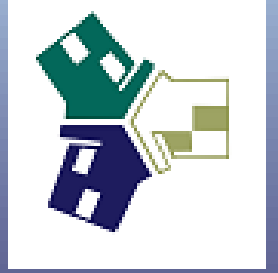
- Unit has non-essential reduction in services or features previously offered or promised
- Check petition box #5:
 - ✓ “I’m requesting a reduction in Rent because of a reduction in housing services.”

What to include (Habitability)



- Describe as best you can:
 - Nature of the problem(s)
 - Who is affected
 - Date of the problem starting
 - Any code enforcement actions
 - When and how your landlord was informed
 - Any steps landlord has taken to fix issue

What to include (Habitability)



Types evidence to support your petition:

- Code violation reports
- Copies of communication: texts (take a screenshot), letters, email, etc.
- Photos
- Other relevant documentation

Petition Form: A Snapshot (Page 1)



H HAYWARD

TENANT PETITION FOR REVIEW OF RENT

This petition requests a review of the rental price of a residential rental unit by a City of Hayward Mediator and/or Arbitrator. Fill out this form as completely as you can and to the best of your ability. You may attach additional pages if needed.

Rental Address (with zip code): _____

Unit/Apartment No.: _____

I. PETITIONING TENANT(S)

Tenant Name(s):	Phone #:	E-mail:

Are the Tenant(s) in this unit represented another person? ☐ YES ☐ NO

If yes, please provide your representative's contact information below:

Representative Name:	Representative Address:	Phone:
		Email:

II. LANDLORD'S INFORMATION (if known)

Landlord Name:	Landlord Address:	Phone:
		Email:

III. PROPERTY MANAGER'S INFORMATION

Property Manager Name:	Property Manager Address:	Phone:
		Email:

Page 1 of 6
v20200128

Ensure contact
info is clearly
written and
current

Petition Form: Page 2



IV. REASON(S) FOR FILING THIS PETITION

A. Check all that you think apply:

- ☐ 1. I did not receive lawful notice of a rent increase, banked increase, or increase in government-utility service cost in accordance with Section 12-1.05(d) and Section 12-1.15.
- ☐ 2. I received an annual rent increase above 5%.
- ☐ 3. I'm disputing a banking calculation; or I received a banked increase with annual rent increase that is above 10%.
- ☐ 4. I received an increase in utility costs of more than 1% of my current rent.
- ☒ 5. I'm requesting a reduction in Rent because of a reduction in Housing Services.
- ☐ 6. I'm contesting a capital improvement cost as unlawful or calculated incorrectly.
- ☒ 7. I'm requesting review of a rent increase because the property has health, safety, fire, building violations, or repairs that the landlord will not make.
- ☐ 8. Other (please explain):

Reduction in
Services

Habitability

Petition Form: Page 3-4



Must be done within 30 days of knowledge that landlord cannot/would not fix issue

D. If you checked 5 above (decrease in housing services) answer the following questions:	
1. What service(s) was/were reduced?	2. Who is affected by this service reduction? <i>(just you, other tenants, entire complex, etc.)</i>
3. Approximately when did the change happen and how long did it last?	4. Were you notified of the change? If so, how <i>(verbally or in writing)</i> and when?
5. If you weren't notified of the change, did you inform the landlord of the change? If so, how <i>(verbally or in writing)</i> and when?	6. Has the landlord done anything to restore the service or compensate tenants for the loss of service? If so, what did the landlord do?
7. What's the approximate monthly value of the service? <i>(your best guess is fine)</i>	

E. If you checked 7 above (the property has repair needs or code violations) answer the following questions:	
1. Did you tell the landlord about the problem(s)? <input type="checkbox"/> YES <input type="checkbox"/> NO	
1a. If so, how did you notify them? (e.g., email, text, call, in-person) _____	
1b. Approximately what date or dates did you notify them? _____	
2. Please describe the health, safety, fire and building violations, or outstanding repairs.	

3. Please list the date(s) problem(s) started and/or date(s) of code violation report(s):	4. Who is affected by these problems? <i>(just you, other tenants, entire complex, etc.)</i>
5. Has the landlord taken any steps to fix the problem(s)? If so, what did the landlord do?	
6. Is/are the problem(s) still on-going? If more than one issue, state all that are still on-going.	
7. How has/have the problem(s) affected you?	

Petition Form: Page 4-5



Meet and confer
requirement



F. Meet and confer requirement: REMEMBER, within ten (10) days of filing this petition, try to contact the landlord to discuss the problem or dispute.

IV. SUPPORTING DOCUMENTS

Please check which documents you are submitting with this petition:

- | | |
|---|--|
| <input type="checkbox"/> Notice of rent or other increase | <input type="checkbox"/> Copies of communication – e-mails, letters, texts, etc. |
| <input type="checkbox"/> Copy of lease | <input type="checkbox"/> Photos |
| <input type="checkbox"/> Code violation report(s) | Other (please specify): _____ |
| | _____ |



Include supporting
documentation

V. MEDIATION/ARBITRATION

A. **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 no agreement is reached through mediation, the case proceeds to arbitration. Similar to a court proceeding, an arbitrator hears the case and makes a legally binding decision based on the parties' arguments and evidence.

Page 4 of 6
v20200128

Very important to
determining mediation
or arbitration



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.

- ☐ I wish to waive mediation and proceed directly to arbitration.

Petition Form: Page 5



Assists Rent Review
Officer in Scheduling



B. Scheduling:

The Mediation/Arbitration will be scheduled no earlier than fourteen (14) days and no later than thirty (30) 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 3p.m."*). Mediations/Arbitrations can take 2 to 3 hours.

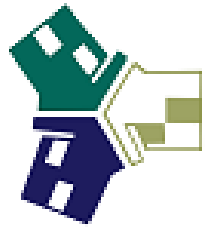
Do you need an interpreter for the mediation/arbitration?

- ☐ YES Language: _____
- ☐ NO



Must be requested
in advance

Petition Form: Page 6



Makes communication
much easier

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.

Date _____

Print Name _____

Signature _____

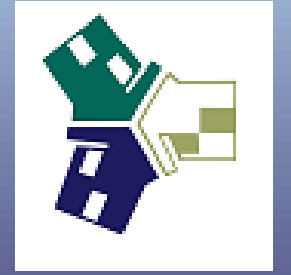
☐ I opt in for communication via e-mail

Date _____

Print Name _____

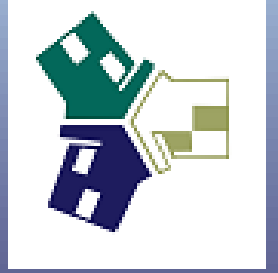
Signature _____

☐ I opt in for communication via e-mail



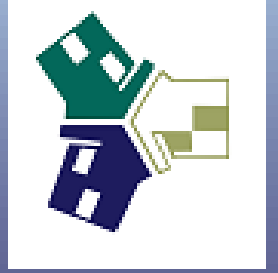
Hayward Code Enforcement

Hayward RRIP



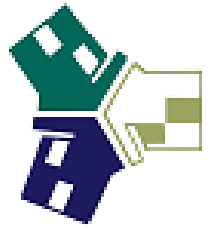
- The Rental Housing Inspection Program (RRIP) ensures residential rental properties are maintained to minimum standards of health, life and safety
- City conducts mandatory and complaint based rental inspections throughout the year
- Objective is to identify and correct substandard housing conditions 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

Requesting Rental Unit Inspection



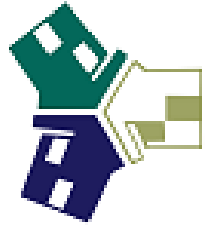
Online: Access Hayward

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

Phone: (510) 583-4175

Email: RentalInspectionProgram@hayward-ca.gov

Access Hayward: A Snapshot



user.govoutreach.com/hayward/support.php?cmd=shell

Apps Gmail YouTube Maps

POLICE FIRE AIRPORT LIBRARY

H HAYWARD DISCOVER RESIDENTS BUSINESS SERVICES YOUR GOVERNMENT YOUR ENVIRONMENT

Access Hayward View Knowledgebase Sign in

Residential Rental Inspection Program [CHANGE TOPIC](#)

* Enter issue location or drag red marker on map

* Property Type:
(Please Select)

Adopt A Block:
(Please Select)

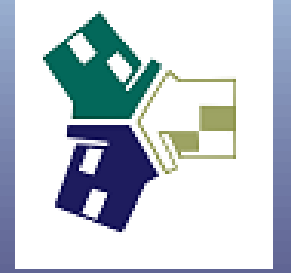
* Describe your problem or question in detail

Drag image(s) here, or click to select file(s)

Map **Satellite**

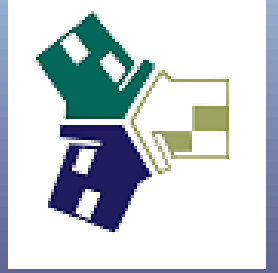
Hayward Public Library
Palace Poker Casino
Bret Harte Middle School
St. Regis Retirement Center
Wendy's
McDonald's
Chevron
El Pollo Loco
All Saints Cemetery
Memorial Park
Walnut Hills Apartm
Hayward Area and Park Distr

Issue location Other issues for this topic



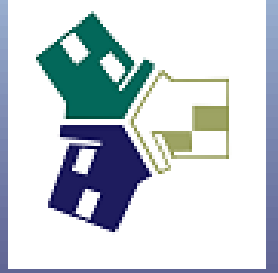
Right of Entry by Landlord

Lawful Entry



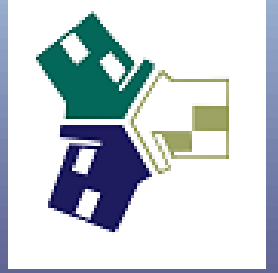
- Landlord may enter the unit under the following conditions:
 - In case of emergency
 - To make necessary repairs, modifications, or improvements
 - To present unit to prospective buyers or new tenants
 - When the tenant has abandoned the unit
 - Pursuant to a court order

Lawful Entry

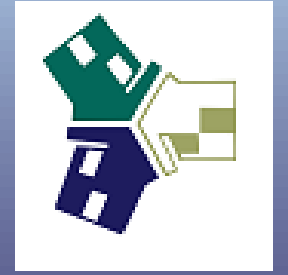


- In order to lawfully enter under such conditions, a landlord must:
 - Enter during normal business hours (emergencies and tenant abandonment excepted)
 - Give written notice at least 24 hours before entry
 - For mailed notices, mailed at least 6 days prior to entry
- Failure of tenant to grant *lawful*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

Exceptions to notice of entry

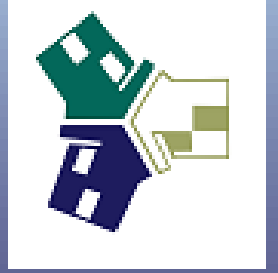


- In case of an emergency
- Tenant has abandoned or permanently vacated unit
- Tenant has consented to entry on the spot



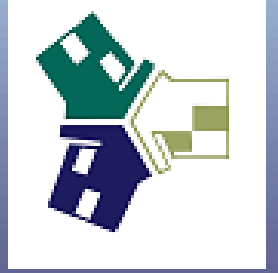
Final Notes

Tips



- Keep communication open to alert of problems (tenants) and to communicate progress on repairs (landlords)
- Document and clarify any potential issues
- Observe timelines and processes for petitions

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