



Planning & Transportation Commission Staff Report

From: Jonathan Lait, Planning and Development Services Director
Lead Department: Planning and Development Services

Meeting Date: May 31, 2023
Report #: 2303-1135

TITLE

PUBLIC HEARING: Recommendation to City Council on the Adoption of an Ordinance Amending the Palo Alto Municipal Code to Add Chapter 9.65, Rental Registry Program, to Establish a Mandatory Registry Program of Rental Units and Provide Feedback on the Rental Registry Program Unit Registration Form. CEQA Status - Exempt under CEQA Guidelines Section 15061(b)(3).

RECOMMENDATION

Staff recommends that the Planning & Transportation Commission (PTC):

1. Recommend to City Council the adoption of the draft Rental Registry Program ordinance adding Palo Alto Municipal Code (PAMC) Chapter 9.65 (Rental Registry Program) (Attachment A); and
2. Provide feedback on the initial rental unit registration form and related information collected.

EXECUTIVE SUMMARY

In November 2021, City Council directed staff to move forward with the development of the Rental Registry Program (RRP). Staff completed focused research and targeted stakeholder engagement and received clarifying direction from the Policy & Services (P&S) Committee, then prepared the draft RRP ordinance. This report provides summaries of the draft ordinance and the key staff work completed thus far for the development and implementation of the RRP. The PTC is requested to review the draft ordinance and make a recommendation to City Council.

This report also presents the information proposed to be collected by the RRP, which is reflected in a draft rental unit registration form (Attachment D). Staff seeks the PTC's feedback on the rental unit registration information to be collected. The Human Relations Committee (HRC) was scheduled to discuss these items on May 24, 2023. This report follows up on previous engagement efforts with the HRC and PTC. Staff will bring the HRC and PTC recommendations and feedback to the newly formed City Council Housing Ad Hoc Committee before bringing these items to City Council.

This report discusses resource impacts, which will be better understood as staff continues to research and develop the RRP and completes its evaluation of responses to the Request for Proposal (RFP). The level of cost recovery is a policy consideration for this program, though some portion of RRP implementation expenses may be offset by RRP registration fees and potential enforcement actions.

BACKGROUND

On November 29, 2021, City Council adopted a package of rental protection policies. These policies add more certainty, stability, and fairness in the Palo Alto rental market for both renters and landlords (see staff report for details).¹ Within that larger package of rental protection policies, Council included direction to staff to return to the P&S Committee for feedback on a Rental Survey Program. Specifically, City Council referred the design and implementation of a rental survey, including the proposed fees, resources, and a timeline. Staff presented the Rental Survey Program to the P&S Committee in September 2022.² For the status of the other Council-directed rental package policy work, see Attachment B.

PAMC Title 9 Amendment Review Process

Amendments to PAMC Title 9 (Public Peace, Morals, and Safety), with regards to the RRP, are required to be reviewed and acted upon by the City Council. In the development of renter policies, the HRC and PTC were engaged to provide guidance and feedback prior to review by the Council. . The City Council will also review any RRP-related contract, staffing, and budgeting decisions; the Timeline section of this report contains more information.

Existing Rental Unit Registration Program

The existing rental unit registration program, in effect since 2002, as outlined in PAMC Section 9.72.050, requires landlords to register their residential rental properties with the City.³ However, the required information is limited to the name and mailing address of the owner or owners of the property, as well as the name, mailing address, and contact telephone number of the person having the legal authority to effectively resolve disputes at the rental units.⁴

Although the PAMC allows for the City to collect a cost recovery fee for the existing registry in the amount set by City Council, no fee was ever established. This was primarily because the

¹ City Council City Manager Report ID # 13786, 11/29/21:

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2021/11-november/20211129/20211129pccs.pdf>.

² It should be noted that the term “Rental Survey Program” was used throughout the September 13, 2022 P&S Committee report, consistent with the prior discussion of this effort. As discussion and feedback continues regarding the goals and purposes the program could achieve, staff suggests that “Rental Registry Program (RRP)” would be a more appropriate program name.

³ PAMC Section 9.72.050 Property Registration:

https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-66901.

⁴ The registration form is located here: <https://us.openforms.com/Form/d4c3b79c-3353-479c-9b9a-c0385a48035d>.

registry was manageable with existing resources at that time, due to the limited information being collected. There was no need for specialized software to collect and maintain the information.

The existing rental unit registration requirement in PAMC Chapter 9.72 applies to all landlords with residential rental property, which is broader than other sections in the chapter. For example, the requirement to participate in the conciliation and mediation of rental housing disputes excludes property owners who own only one residential rental unit and property owners of two-unit residential rental properties, if one of the units is owner-occupied.

The Office of Human Services manages the existing rental unit registry program. The new RRP, once launched, would collect the contact information required by the existing program, plus the information that would serve the City in developing rental policies.

Policy & Services Committee Feedback

At the September 13, 2022 P&S Committee meeting, staff presented Palo Alto's rental profile, examples of Rent Registries and Rental Survey Programs in other cities, and key RRP design and implementation considerations.⁵ The P&S Committee provided direction on the types of information to collect, which types of units should participate, frequency of reporting, and asked for additional information on how the data collected would be used. The following details were given in their motion on the RRP:

- A. Information to Collect:
 - 1. The reason for vacancy,
 - 2. Identification if the rental unit is deed restricted,
 - 3. Rental unit contact information, including:
 - a. Property owner contact information,
 - b. Landlord/property manager contact information,
 - 4. Rental unit characteristics, including:
 - a. Rental unit size (square feet),
 - b. Rental unit number of bedrooms,
 - c. Property type/number of units at the property,
 - 5. Rent information, including:
 - a. Rent amount,
 - b. Services included in rent,
 - 6. Tenancy information, including:
 - a. Tenancy status (occupied/vacant),
 - b. Tenancy or vacancy commencement date,
 - 7. Affidavit, including:

⁵ For additional background information on the RRP, review the September 13, 2022 staff report, available here: Policy & Services Committee Meeting City Manager Report ID # 14139, 09/13/22: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/policy-and-services-committee/2022/20220913/20220913ppsr.pdf>.

- a. Attestation to information accuracy,
 - b. Registration date of submittal,
8. Information relevant to the implementation of existing State and City renter protections, and
9. Information relevant to the development of City rental policy.
- B. Program Participation
- Use existing property registration participation requirements outlined in the PAMC Chapter 9.72, which requires registration of any housing structure occupied as a dwelling or offered for rent or lease as a dwelling, whether attached, detached, or a single- or multiple-family residence.⁶
- C. Frequency of Reporting
- Use initial rental unit registration and thereafter qualifying event-based reporting frequency or an annual affidavit if no qualifying events occur. Qualifying events include:
- Rent increases,
 - New tenancy,
 - New vacancy or eviction,
 - Offer of a one-year lease at renewal, and
 - Other events.
- D. Use of Information Collected
- Provide additional information and suggestions for how the City could use information and data collected.⁷

Human Relations Commission Recommendations

Discussed on September 23, 2021, as part of the broader Renter Protection Policy Package, the HRC previously supported the implementation of the RRP. On February 9, 2023, in response to City Council’s November 29, 2021, direction for the HRC to review the effectiveness of the City’s existing renter protection policies, the HRC again expressed support for RRP implementation. At both meetings, the HRC noted that RRP implementation should be a high priority.⁸

⁶ Palo Alto Municipal Code (PAMC) Section 9.72.050 Property registration:
https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-66901.

Palo Alto Municipal Code (PAMC) Section 9.72.080(g) Residential rental property:
https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-66915.

⁷ Policy & Services Committee Meeting Action Minutes, 09/13/22:
<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/policy-and-services-committee/2022/20220913/20220913ampsr.pdf>.

⁸ For more specifics, refer to the HRC September 9, 2021 meeting minutes, February 9, 2023 meeting minutes, and the April 27, 2023 meeting minutes whereby one February 9, 2023 HRC motion was clarified:
<https://www.cityofpaloalto.org/Departments/Community-Services/Other-Services/Commissions/Human-Relations-Commission/HRC-Current-Year-Agendas-and-Minutes>.

On May 24, 2023, the HRC is scheduled to review the draft ordinance that enables the program, as well as provide feedback on the draft initial rental unit registration form. Staff will verbally present to the PTC the outcomes of the HRC’s discussion.

Rental Registries in Other Cities

To prepare for the development of a more robust local RRP, staff conducted a series of detailed interviews with staff representing six Bay Area cities that have implemented Rent Registries and Rental Survey Programs:

- City of Alameda
- City of Concord
- City of El Cerrito
- City of San José
- City of Mountain View
- City of East Palo Alto

Interviews included questions pertaining to staffing levels, roles, program costs, program fee development, quality control, privacy, and lessons learned. Staff also collected example RFPs and fee studies when available. This research helped guide the development of the RRP ordinance and other program details discussed in this report. See Attachment C for highlights from these interviews.

ANALYSIS

This section summarizes the draft ordinance that enables the rental registry program. As noted above, the development of the RRP was based on research of other programs, direction from P&S Committee, and reflects stakeholder feedback (please see Stakeholder Engagement discussion below). In addition, the general parameters of draft initial rental unit registration form are discussed.

Draft Rental Registry Program Ordinance

The California Constitution authorizes cities to enact policies pertaining to land use, rents, and evictions in service of the public good and protect the health, safety, and welfare of residents; the City can amend the PAMC to utilize this authority. Consequently, staff prepared the draft RRP ordinance (Attachment A), which creates a new PAMC Chapter 9.65 (Rental Registry Program) to establish a mandatory registry program of rental units.

The RRP ordinance will:

- empower the City to collect rental information from rental unit landlords,
- clarify what rental units are required to participate,
- address confidentiality and privacy needs,
- enable the collection of a cost recovery fee, and
- support enforcement of the registry requirement.

Define Program Participation

Like most ordinances, the draft RRP ordinance contains a specific set of definitions applicable to the policies set forth therein. As recommended by the P&S Committee, PAMC Section 9.65.020(e) would define “Residential rental unit” to match the definition and program participation requirements in PAMC Chapter 9.72 (Mandatory Response to Request for Discussion of Disputes Between Landlords and Tenants) for the existing rental unit registry. The definition includes any housing structure occupied as a dwelling or offered for rent or lease as a dwelling, whether attached, detached, single-family, or multiple-family dwelling. This would also include accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs). The program participation requirements in the draft ordinance do not change existing policy.

As recommended by the P&S Committee, staff retained the existing program participation requirements in PAMC Chapter 9.72 because the City wants to understand the rental landscape for all renters and landlords, not just a subset of rental units. Additionally, some state and local requirements do pertain to most rental units in the City. One example is the local requirement to offer a one-year lease and the local right to access conciliation and mediation in PAMC Chapter 9.72. Retaining the existing participation requirements allows monitoring of broad state and local rental requirements. It also reduces the need for program and information collection adjustments, if a new state or local policy comes into effect. Furthermore, retaining these requirements assists the City in promoting consistency with the existing rental policy.

Having a program with broad participation of over 11,400 rental units requires additional resources, such as the procurement of software and additional staffing to administer the program.

Program Details

As recommended by the P&S Committee, PAMC Section 9.65.030 contains RRP program details, requiring landlords to initially register rental units, renew registrations during an annual open registration period, and submit an affidavit declaring that the information provided is true and correct. This section grants the City Manager or their designee the authority to request information to achieve the intended purposes of the chapter. As recommended by the P&S Committee, this section of the ordinance also requires event-based registration amendments.

PAMC Section 9.65.030 also limits program registration fees to cost recovery levels and requires registration fees to be set by City Council through a public process. City Council would have the opportunity to decide if the fees would be set at full cost recovery, or if some cost offset would be established.

Privacy

Given concerns for information privacy, PAMC Section 9.65.040 outlines the very limited exceptions under which registry information could be shared. All future staff analysis drawing on the registry information will be in aggregate. The limited circumstances in which individualized data would be shared are the following:

- Individualized rental registry information regarding a renter’s tenancy at a specific residential rental unit may be shared with that renter;
- The status of whether the City has or has not received rental registry information regarding a residential rental unit will be considered public information; and
- As required by the California Public Records Act, information may be disclosed pursuant to a request.

Penalties

PAMC Section 9.65.050 establishes potential penalties for failure to register rental units. This section is included to encourage compliance and support landlords who do register their rental units, so the extra costs associated with delinquent registration will not fall on compliant rental unit landlords. Furthermore, staff incorporated a penalty waiver for instances of good cause.

Draft RRP Initial Rental Unit Registration Form

A draft example of an initial rental unit registration form was developed based on the September 13, 2022 P&S Committee feedback and staff’s continued review of the rental unit registration forms used by other cities. The draft example (Attachment D) is intended to provide a sense of the overall information to be collected at initial rental unit registration. It includes information on primary contact, rent information, unit characteristics, and tenancy. Additionally, affidavit information would also be incorporated. There may be some interest in collecting demographic or income information regarding renters. However, because landlords are legally limited in what information they can ask for, these data points will not be included.

Some information requested in the draft registration form is included to improve quality control. For example, knowing the property purchase year would help staff later identify if landlord (including property owner and property manager) information might need to be updated. Other information is anticipated to be imported from the annual rental unit registration information into the qualifying event-based reporting forms.

The RRP is a long-term program that will naturally require adjustments over time to address the changing needs of the City. Staff sees the implementation of the RRP as a phased project. With the initial roll-out of the program, the information collected and reflected in Attachment D is considered minimal while still being meaningful for future analysis. Initial registrations and the first year of event-based reporting will be very valuable. However, once the RRP is implemented, it may take a few years before the City has enough relevant data to analyze rental market trends. Therefore, it is important to ask key information with the initial launch of the program, otherwise, the RRP may not serve its purpose in helping to guide the City in future rental trends and policy making.

Although the draft registration form is consistent with P&S Committee’s recommendation for the information to collect, the PTC may recommend modifications to reduce the information

requested. This approach may make the introduction and initial implementation of the RRP easier for property owners to complete.

TIMELINE

The RRP schedule strives to meet the City Council’s goal to launch a registry program as soon as possible. Staff released the program RFP in March 2023. RFP responses were received in late April 2023 and are currently under evaluation.

With this report, the PTC can make its recommendation on the draft RRP ordinance and provide feedback on RRP rental unit initial registration form. As noted, staff will bring the HRC and PTC recommendations and feedback to the newly formed City Council Housing Ad Hoc Committee before bringing these items to City Council. The anticipated RRP launch would be by the end of 2023.

Timeframe	Milestones/Public Hearings	Topics
Early 2023	<ul style="list-style-type: none"> • Release Request for Proposals (RFP) • Community Meeting 	Review draft RRP ordinance and RRP administrative development
Spring/Summer 2023	<ul style="list-style-type: none"> • HRC Meeting • PTC Meeting • Evaluate RFP responses • City Council Housing Ad Hoc Committee 	
Fall 2023	<ul style="list-style-type: none"> • City Council Meeting(s) 	Adopt Ordinance, approve RRP details, approve consultant contract

FISCAL/RESOURCE IMPACT

Additional City staffing resources and consultant funds will be necessary for the development, implementation, operations, and maintenance of any RRP. These resource impacts will be better understood as staff continues to research and develop the RRP and after staff completes review responses to the RFP. As mentioned in the September 13, 2022 P&S Committee staff report, the level of cost recovery is a policy consideration for this program, but it is anticipated that some portion of RRP implementation expenses will be offset by RRP registration fees and potential enforcement actions.

Staff used existing staffing resources to draft and release the RFP, prepare the draft RRP ordinance, and conduct associated community outreach and engagement. Either existing staff or a consultant would be used to prepare the cost-of-service information. Alternatively, staff may conduct a fee study for City Council to set the registration fee, administrative penalty fee, and fee waiver program. Costs received from the RFP process would be incorporated into the process of establishing fees.

The likely highest resource impact would be City staffing and consultant assistance for the RRP design and development, plus the subsequent outreach and RRP online portal/database/reporting system rollout effort. Ongoing RRP operation and maintenance will also

require additional staffing and budget resources. There will be RRP staffing needs and need for a contract for ongoing maintenance and operation of the online portal/database/reporting system. Resource requests will be brought forward for City Council's consideration.

Staff anticipates further clarification of RRP costs and additional topics after an evaluation of the responses received from the City's RRP Request for Proposals (RFP), which closed in late April 2023. The RFP contained the City's request for assistance for initial and ongoing RRP implementation, including software system solutions to collect and manage all the information that would be submitted and for professional services to help administer the RRP. These RFP responses will assist the City with quantifying the costs of the RRP, including the cost of the initial development, the ongoing maintenance of the RRP database, and staffing costs.

POLICY IMPLICATIONS

Pursuing renter protection policy work is consistent with the goals in the City's 2030 Comprehensive Plan to provide adequate housing for all. Additionally, the renter protection policy work is consistent with the list of policies and programs in the 2023-2031 Housing Element. Therefore, staff anticipates that the establishment and implementation of a RRP would support the implementation of the updated Housing Element. These topics are considered a means to affirmatively further fair housing within Palo Alto, as well as a means by which to promote certainty, stability, and fairness in the rental market. The RRP is a significant opportunity to collect information that can identify rental trends and confirm compliance with existing policies. This information can be used to amend and create policies that affirmatively further fair housing in Palo Alto. It also would allow Palo Alto to stay ahead and be nimble to react to future renter protection laws.

STAKEHOLDER ENGAGEMENT

Staff conducted stakeholder and community outreach ahead of the publication of this report as summarized in this section. Additional community feedback is anticipated at the May 24, 2023 HRC meeting, the May 31, 2023 PTC meeting, the City Council Housing Ad Hoc Committee meeting, and City Council meeting. Staff prepared a summary of the public comment themes received on a recently launched City RRP webpage.⁹

Initial Stakeholder Interviews

Staff conducted a series of initial stakeholder interviews in Fall 2022 with rental unit property owners (California Apartment Association representatives), renter advocacy groups (Palo Alto Renters Association and SV@Home), and renter service providers (LifeMoves and Project Sentinel/Palo Alto Mediation Program). The detailed feedback themes were reported to the P&S

⁹ Rental Registry Program webpage: <https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Housing-Policies-Projects/Renter-Protection-Policy-Development/Rental-Registry-Program>.

Committee in their September 13, 2022 staff report.¹⁰ Themes included requests for specific types of outreach for the RRP to address cost and privacy concerns, as well as for the RRP to collect information on rents, rent increases, and evictions. Among other items, the detailed feedback themes helped inform:

- the preparation of the draft Ordinance (Attachment A), including:
 - the draft findings and the draft broad purpose statements that discuss the need for the rental registry,
 - the inclusion of privacy in the ordinance, and
 - the inclusion of the administrative penalty process to try to reduce RRP registration costs,
- the preparation of the City's rental registry RFP and the organization of the draft illustrative example of an initial rental unit registration form, which both reflect the desire to minimize the time and effort it would take for landlords to register rental units, and
- staff efforts to reach all landlords in the City, including through mailing of Community Meeting postcard notices to all properties listed as a rental unit in the City's geographic information system.

Renter and Landlord Survey – Fall 2022/Winter 2023

Staff initiated a Renter and Landlord Survey – Fall 2022/Winter 2023, which remains open beyond the publication of this report. This short survey is oriented toward learning more about renters and landlords in Palo Alto, publicizing overall rental unit policy development work, and asking a few questions that will help with future community outreach efforts for the RRP.¹¹

As of the writing of this report, staff received 204 surveys from renters (1/3) and property owners/managers (2/3). Approximately half of survey respondents were interested in receiving regular rental policy-related updates.

In the survey, staff placed information about the City's tenant/landlord mediation services program and the local Tenant Relocation Assistance (TRA) requirements. The mediation services program is long-standing for many years and the local TRA requirements has been in effect since 2018. Staff found that almost half of the respondents were not aware of the City's mediation services program and almost three-quarters of respondents were not aware of the City's local TRA requirements.

These initial survey results have helped to inform staff on the increased degree of community engagement efforts needed to ensure awareness of existing City rental policies for both renters and property owners/property managers, as well as the anticipated significant community

¹⁰ For a summary of stakeholder feedback received, review the P&S Committee 09/13/22 staff report: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/policy-and-services-committee/2022/20220913/20220913ppsr.pdf>.

¹¹ City of Palo Alto Renter and Landlord Survey – Fall 2022/Winter 2023: <https://www.surveymonkey.com/r/RENTERLANDLORD2022>.

outreach effort necessary to inform community members of any new rental policies, such as the implementation of the RRP.

Community Meeting

Staff conducted a virtual community meeting on March 30, 2023 that included at least 50 participants throughout the meeting. The meeting was targeted toward rental unit landlords and rental unit property managers. In summary, a significant amount of the feedback received at the meeting pertained to concerns about registry implementation, including its cost, privacy, and administration of the program. Other community members expressed support for the RRP, indicating its value in providing information to support policy development. Specific questions and feedback received can be found by watching the meeting video recording.¹²

Staff utilized the feedback discussion to prepare responses to Frequently Asked Questions (FAQs) asked by community members, including the question “What types of community feedback has staff received on the RRP thus far?” Refer to the FAQs on the City RRP webpage for more information.¹³

Additional Engagement Efforts

In addition to providing information on the City’s website, staff included a brief promotion of the City’s overall rental policy development work, including the RRP, in the November 2022 and May 2023 Utility & Community Announcements.¹⁴ The City’s Communications Team has also included the RRP and other renter policy work in community newsletters. Staff placed an ad in the Daily Post newspaper on May 19, 2023, 12 days in advance of the hearing.

Prior to the March 30 Community Meeting and while preparing this report, staff sent email notifications to stakeholders and those community members requesting rental policy-related updates to encourage participation. In addition to the many questions and comments received at the Community Meeting, staff has received over 70 emails from community members specifically regarding the RRP. While some emails did not support creation of an RRP, most emails were in favor of creating a rental registry. The feedback themes from these emails were incorporated into the FAQs on the City RRP webpage.¹⁵

Future stakeholder engagement will include additional individual stakeholder meetings with the California Apartment Association and the Palo Alto Renters’ Association and others, as well as

¹² Rental Registry Program Community Meeting – March 30, 2023:

<https://www.youtube.com/watch?v=QCnH03Eb9Tg>.

¹³ Rental Registry Program webpage: <https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Housing-Policies-Projects/Renter-Protection-Policy-Development/Rental-Registry-Program>.

¹⁴ Utilities Department Utility & Community Announcements (UCAs) are short promotional blurbs included in monthly residential bills. The November 2022 and May 2023 Utility & Community Announcements are online:

<https://www.cityofpaloalto.org/files/assets/public/utilities/bill-inserts/nov-2022-uca.pdf> and
<https://www.cityofpaloalto.org/files/assets/public/utilities/bill-inserts/may-2023-uca.pdf>.

¹⁵ Rental Registry Program webpage: <https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Housing-Policies-Projects/Renter-Protection-Policy-Development/Rental-Registry-Program>.

additional community meetings where various stakeholders and community members may attend.

ENVIRONMENTAL REVIEW

The California Public Resources Code § 21065 includes a definition of a “project” as subject to the California Environmental Quality Act (CEQA) if it is an activity directly undertaken by a public agency which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. This project is exempt from the provisions of the CEQA, pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

ALTERNATIVE ACTIONS

The PTC is requested to provide a recommendation to City Council on the draft RRP ordinance and feedback on the initial rental unit registration form and related information to be collected. Alternatively, the PTC could hold the public hearing, receive public comment, and continue the item to allow time for staff to respond to additional PTC comments and questions raised.

ATTACHMENTS

Attachment A – Draft Rental Registry Program Ordinance

Attachment B – Renter Protection Policy Work Status Update

Attachment C – Highlights of Other Rental Registries - Staff Interviews

Attachment D – Draft Example of an Initial Rental Unit Registration Form

AUTHOR/TITLE:

Rebecca Atkinson, Planner

Not Yet Approved

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Adopting Chapter 9.65 (Rental Registry Program) to Establish a Mandatory Registry Program of Rental Units

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

- A. Renters represent a significant percentage of Palo Alto’s population;
- B. Landlords provide a significant community service by providing rental housing in the City of Palo Alto;
- C. Palo Alto has great diversity in residential rental property and rental unit types, ranging from single-family homes and accessory and junior accessory dwelling units to properties with multi-family apartment buildings containing a variety of unit types;
- D. There is a need to ensure that housing is provided for people of all income levels and to affirmatively further fair housing;
- E. The Palo Alto rental market is one of the most expensive in the country, which is one factor that can lead to renters being at risk of displacement;
- F. The City desires to implement policies for certainty, stability, and fairness in the rental market for renters and landlords;
- G. The City finds value in having an updated registry of rental units and landlord contact information, for purposes such as informing City housing policy updates and assisting with renter/landlord mediation services;
- H. The City and State have instituted existing renter protections, and the City has an interest in understanding the extent of awareness of these protections in the community and the status of implementation;
- I. A significant number of renters in Palo Alto are low-income and cost-burdened;
- J. The City makes a significant investment on an ongoing basis regarding rental unit protection, preservation, and production and will also soon implement the 6th Cycle Housing Element policies and programs;
- K. The City hosted public hearings to gain feedback on the Rental Registry Program, including before the Human Relations Commission on September 23, 2021, the Planning & Transportation Commission on April 28, 2021, City Council on November 8, 2021, November 15, 2021, and November 29, 2021, and the Policy & Services Committee on September 13, 2022; and

- L. The City Council finds and determines that the Rental Registry Program ordinance codified in Palo Alto Municipal Code Chapter 9.65 (Rental Registry Program) is adopted pursuant to the authority to protect the public health, safety, and welfare.

SECTION 2. Chapter 9.65 (Rental Registry Program) of Title 9 (Public Peace, Morals and Safety) is hereby adopted as follows:

9.65.010. Purpose.

The purpose of this chapter is to adopt a rental registry program for the city of Palo Alto, which will allow the city to:

- (a) Learn about the Palo Alto rental landscape as it is experienced by renters and landlords;
- (b) Make data-informed policy decisions that protect public health, safety, and welfare for the residents of Palo Alto and that support certainty, stability, and fairness in the rental market for renters and landlords;
- (c) Support community awareness of existing renter protections;
- (d) Support the implementation of the city’s Housing Element goals, policies, and programs, including providing information available to inform the city’s significant investments in rental unit protection, preservation, and production.

9.65.020. Definitions.

For purposes of this chapter, the following terms are defined as follows:

- (a) “Landlord” means the owner or property manager exercising effective control over the terms and conditions of the tenancy of a residential rental unit, including a person with such control delegated through a durable power of attorney.
- (b) "Rent" means the consideration, including any bonus, benefit, or gratuity demanded or received by a landlord, for or in connection with the use or occupancy of a residential rental unit.
- (c) "Rent increase" means any additional rent demanded of or paid by a renter for a rental unit.
- (d) “Rental registry information” means the information required to be submitted to the city of Palo Alto by a landlord pursuant to this chapter.
- (e) "Residential rental unit" means any housing structure occupied as a dwelling or offered for rent or lease as a dwelling, whether attached, detached, single or multiple-family. The term "residential rental unit" shall not include an attached bedroom of a landlord-occupied dwelling where the landlord and renter(s) share living facilities.

- (f) "Renter" means a person or entity entitled by written or oral agreement to occupy a residential rental unit to the exclusion of others.

9.65.030. Registration of residential rental units.

- (a) Initial Registration of Residential Rental Units. The landlord of each residential rental unit within the city of Palo Alto shall register the unit within the annual open registration period established by the City Manager or their designee. Registration must be completed using forms provided by the city, which may take the form of a secure website, and which may be amended from time to time. Registration is complete only when all rental registry information has been provided to the city and all outstanding fees and penalties, if applicable, have been paid.
- (b) Registration Renewal. The landlord of each residential rental unit within the city of Palo Alto shall renew the registration of each unit annually within the annual open registration period established by the City Manager or their designee.
- (c) Rental Registry Information.
 - (1) At minimum, the following information shall be provided as part of the initial and renewal registration of a residential rental unit:
 - i. The address of each residential rental unit,
 - ii. The name and contact information of the property owner and property manager or landlord, as applicable.
 - (2) The City Manager or their designee shall have the authority to require or request landlords to provide any information which may help to achieve the intended purpose of this chapter.
 - (3) The City Manager or their designee shall have the authority to require rental registry information to be submitted in a particular manner or on a particular platform, such as on a secure website or through paper-based forms, which may be amended from time to time.
- (d) Event-based Registration Amendments.
 - (1) At minimum, landlords shall amend the registration of their residential rental unit whenever one of the following events occurs in relation to that residential rental unit:
 - i. Any increase in rent,
 - ii. Any new tenancy is established,
 - iii. A new vacancy in the residential rental unit,
 - iv. An eviction, or
 - v. Any offer of a one-year lease at renewal.
 - (2) The City Manager or their designee shall have authority to designate additional events which will require landlords to amend the registration of their residential rental units and which may help to achieve the intended purpose of this chapter.
- (e) Affidavit. Each registration and registration amendment shall be accompanied by an affidavit signed by the landlord declaring under penalty of perjury that the information provided is true and correct.

- (f) Fees. For the sole purpose of reimbursing the city of Palo Alto for the reasonable costs of maintaining residential rental unit registration records and related administrative systems, the landlord of each residential rental unit to which this chapter applies shall pay a fee in an amount to be set by the Palo Alto city council.

9.65.040. Rental registry information privacy.

Individualized rental registry information containing trade secrets and proprietary information will not be shared or distributed, except in the following circumstances:

- (a) Individualized rental registry information regarding a renter’s tenancy at a specific residential rental unit may be shared with that renter;
- (b) The status of whether the City has or has not received rental registry information regarding a residential rental unit will be considered public information; and
- (c) As required by the California Public Records Act, individualized rental registry information may be disclosed pursuant to a request.

9.65.050. Penalties.

- (a) Penalties for Delinquency. Any landlord operating in the city that fails to register or amend their residential rental units in accordance with this Chapter shall pay, in addition to the amount of the registration fee, a penalty in an amount to be determined by ordinance or resolution.
- (b) Penalty Waiver. The City Manager or their designee shall have discretion to waive this penalty fee for good cause and if the City Manager or their designee determines that waiving the penalty fee would promote the purpose of this chapter.
- (c) Action to Collect. If a landlord fails to comply with the fee requirements of this Chapter, the city may refer the matter to a collection agency and/or the city attorney may file a civil action against any landlord. Penalties may be added to the residential rental unit registration fee. Penalties will become due and payable along with the registration fee.
- (d) Remedies Cumulative. All remedies prescribed under this Chapter shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this Chapter.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The Council hereby declares that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the

fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. The Council finds that this project is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Section 15061 of the CEQA Guidelines, because it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 5. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

City Attorney

City Manager

Director of Planning and Development
Services

Director of Administrative Services

Renter Protection Policy Work Status Update (dated May 11, 2023)

On November 29, 2021, the City Council adopted a package of rental protection policies.¹ The policies are summarized below. Since that Council meeting, staff have focused primarily on the three policies identified by Council as priorities. Some policies are also identified for incorporation into Housing Element programs.

	Policy	Brief Description	Work Status
1	Rental Registry Program (RRP) (CC Motion #E) HIGH PRIORITY	Establish a program that gathers information on rental units in City for purposes identified by Council.	<u><i>In progress.</i></u> Council referred the design and implementation to the Policy & Services Committee, including proposed fees, resources, and timeline. P&S Committee provided feedback in September 2022. ² <i>RRP Program Development Phase I - RFP released March 2023. Proposals received April 2023 and are currently under review. Community meeting in March 2023. Draft enabling ordinance prepared. Ordinance public hearings in Spring/Summer/Fall 2023.</i> <i>RRP Program Development Phase II – This future phase will include community outreach, City budgeting and staffing, and RRP software development.</i> <i>RRP Program Implementation Phase I – This future phase will include</i>

¹ City Council Meeting Minutes, 11/29/21: <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2021/11-november/20211129/20211129amccs.pdf>

City Council City Manager Report ID # 13786, 11/29/21:

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2021/11-november/20211129/20211129pccs.pdf>

City Renter Protection Policy Development Webpage: <https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Long-Range-Planning/Renter-Protection-Policy-Development>

² Policy & Services Committee Meeting City Manager Report ID # 14139, 09/13/22:

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/policy-and-services-committee/2022/20220913/20220913ppsr.pdf>

	Policy	Brief Description	Work Status
			<p>community outreach, RRP launch, and rental unit initial registrations.</p> <p><i>RRP Program Implementation Phase II</i> – This future phase will include community outreach and RRP reporting.</p> <p>HRC discussed the RRP at their February 2023 meeting as part of their Motion I Council referral, see Item 8 below.</p>
2	<p>Expand Tenant Relocation Assistance (CC Motion #B)</p> <p>HIGH PRIORITY</p>	Update existing local ordinance to extend tenant relocation assistance requirements to properties with ten units or more	<p><u>Completed.</u></p> <p>Updated ordinance that expanded Tenant Relocation Assistance codified in the Palo Alto Municipal Code Section 9.68.035.³</p> <p>HRC discussed Tenant Relocation Assistance at their February 2023 meeting as part of their Motion I Council referral, see Item 8 below.</p>
3	<p>Eviction Reduction (CC Motion #C)</p> <p>PRIORITY</p>	Create local ordinance to expand eviction protections in AB 1482 to include rental units receiving occupancy within the last 15 years.	<p><u>In progress.</u></p> <p>Preparation of draft local ordinance underway. Ordinance first reading and second reading Spring/Summer 2023.</p> <p>HRC discussed Eviction Reduction at their February 2023 meeting as part of their Motion I Council referral, see Item 8 below.</p>
4	<p>Anti-Rent-gouging (CC Motion #D)</p>	Consider preparation of a local ordinance to expand the number of units covered by AB 1482 rent increase limitations.	<p><u>Not started.</u></p> <p>Council referred the anti-rent gouging topic to the Policy & Services Committee, including the review and discussion of measures to address loopholes. This work is incorporated</p>

³ Palo Alto Municipal Code Section 9.68.035 Relocation assistance for no-fault eviction:
https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-66806.

	Policy	Brief Description	Work Status
			<p>into the Housing Element workplan. Staff anticipates work on this topic starting Summer 2023.</p> <p>HRC discussed Rent Increases at their February 2023 meeting as part of their Motion I Council referral, see Item 8 below.</p>
5	Security Deposit Limit (CC Motion #F)	Create a local ordinance that limits the locally allowable amount of security deposit charged for unfurnished rental units to 1.5 times the monthly rent.	<p><u>In progress.</u></p> <p>Preparation of draft local ordinance underway. Ordinance first reading and second reading Spring/Summer 2023.</p>
6	Fair Chance Ordinance (CC Motion #H)	Consider preparation of a local ordinance that supports fair chance policies.	<p><u>Not started.</u></p> <p>Council referred the fair chance policy topic to the Policy & Services Committee, including a staff analysis of consequences and unintended consequences. This work is incorporated into the Housing Element workplan. Staff anticipates work on this topic starting Summer 2023.</p> <p>HRC discussed Fair Chance at their February 2023 meeting as part of their Motion I Council referral, see Item 8 below.</p>
7	Right to Counsel (CC Motion #G)	Provide tenants with legal assistance in housing-related cases.	<p><u>Ongoing.</u></p> <p>Ongoing to identify ways to support County efforts on right to counsel.</p> <p>Santa Clara County recently won a grant in Spring 2023 to investigate the Right to Counsel topic. City staff will coordinate with the County regarding investigation findings.</p>

	Policy	Brief Description	Work Status
			<p>City staff met with the recently formed Bay Area Housing Finance Authority in Spring 2023, which is preparing a Bay Area Eviction Study, the results of which will likely explore the Right to Counsel topic. City staff will coordinate with BAFHA regarding the study findings.</p> <p>City staff joined the Santa Clara County Eviction, Tenant/Landlord Disputes, & Rent Relief Collaborative that meets monthly and discusses the Right to Counsel topic.</p>
8	<p>Improving Implementation of Existing Renter Protection Policies (CC Motion #1)</p>	<p>City review and assessment of the implementation of existing renter protection policies.</p>	<p><u>In progress.</u></p> <p>Council referred this implementation review and assessment to the Human Relations Commission.</p> <p>HRC discussed many existing and new Renter Policies at their February 2023 meeting as part of their Motion 1 Council referral.⁴ HRC recommendations will be brought to City Council for direction in 2023.</p>

⁴ For more specifics, refer to the Human Relations Commission February 9, 2023 meeting minutes and the April 27, 2023 meeting minutes whereby one February 9, 2023 HRC motion was clarified:
<https://www.cityofpaloalto.org/Departments/Community-Services/Other-Services/Commissions/Human-Relations-Commission/HRC-Current-Year-Agendas-and-Minutes>.

Highlights of Other Rental Registries - Staff Interviews

Staff conducted a series of detailed virtual interviews with staff representing six Bay Area cities that have implemented Rent Registries and Rental Survey Programs:

- City of Alameda
- City of Concord
- City of El Cerrito
- City of San José
- City of Mountain View
- City of East Palo Alto

Questions pertained to staffing levels, roles, program costs, program fee development, quality control, privacy, and lessons learned. Staff also collected example RFPs and fee studies when available. The discussion items below include highlights from these interviews. This research helped guide the development of the RRP ordinance and other RRP program details.

Program Costs in Other Cities

Program costs varied widely amongst these cities, depending on the overall staffing level and consultant staffing, customer service provided, degree of integration within other city services provided, and extensiveness of reporting. The more robust the RRP, the higher the cost of the program. An RRP with **event-based reporting requirements is expected to cost more than an annual rental unit registration program.**

Generally, interviewees indicated that staff resources are needed for overall RRP management, contract management, analysis, reporting, information collection, information quality control, registration fee collection, online portal and database maintenance efforts, daily customer service, and implementing community noticing. **All but one city had at least two full-time equivalents (FTE) staff supporting their RRP.** The city with only one dedicated staff FTE utilized consultants to augment their support services. Some cities have more than two FTEs, depending on the extensiveness of their program requirements and desired level of customer service, outreach, and reporting. While all cities indicated that there is a need for these FTEs to work very closely together, these FTEs could work in different departments that service the RRP depending on program needs. Based on this information, staff anticipates additional staff resources will be required to administer the program. Through the RFP, the City would seek to understand an option if a consultant would administer the program with staff oversight.

The RRP staff build relationships with the community, provide redundancy, collaborate on customer service approaches, and meet the year-round demands of the workload. A few cities realized cost efficiencies through building their RRP off existing programs such as their business license program (if renting a housing unit in that city requires a landlord to obtain a business license in that city), rental unit inspection program, or rent stabilization program. However, Palo Alto does not have these programs and therefore would not have associated efficiencies for the RRP.

Most cities issued a Request for Proposals (RFP) to procure a consultant to design an RRP website, online portal, and database, as well as prepare reporting and community noticing functions. Staff from those cities appeared generally satisfied with their RFP issuance and the associated procurement. Some indicated that consultants might already have RRP database systems designed for off-the-shelf usage or that can be used as a base for custom RRP design.

All the cities had initial program development costs, and ongoing staffing, online portal/database/website maintenance (annual fees to the vendor), quality control, community noticing and postage, community education and outreach, customer service, and enforcement costs.

Program Registration Fee, Penalty Fee, and Penalty Waiver in Other Cities

Some cities conducted a specific RRP fee study, whereas others simply explained how their fees related directly to the cost of service as part of the RRP registration fee adoption process. **All the cities utilized full cost recovery for their RRP implementation, and the fee was set on a per rental unit basis.** Registration fees varied due to differences in the costs of the city’s program and the number of rental units required to participate. Fees currently range from approximately \$40 per rental unit to \$220 per rental unit, though some cities indicated that the fee could increase in the future.

While set at different times of the year, interviewees indicated that it was helpful to establish the annual RRP registration fee collection period concurrent with other standard administrative processes, such as at the start of a new fiscal year or in parallel to the collection of business license renewal. This led to efficiencies in fee collection functions overall.

All the cities interviewed have a multi-month (generally two-month) rental unit registration and RRP registration fee collection period so that there was time for staff to provide notice in advance, as well as multiple times during the period to avoid as many penalty cases or citation cases as possible.

Some interviewees recommended implementing RRP participation as mandatory for rental units at the outset, as a voluntary introductory period was not found to be helpful for increasing rental unit participation. **Interviewees also recommended implementing an administrative penalty process if a rental unit was found to be unregistered rather than going straight to a code enforcement citation process.** The default process for code violations is the code enforcement process (PAMC 1.12) that includes noticing and appeals. The administrative penalty process akin to what is used for the business registry (PAMC 4.60.120) and is streamlined to levy a penalty fee that does not include noticing or appeals. This helped maintain lower overall RRP registration fees for those registering rental units and separately covered the cost of the additional outreach necessary to achieve unregistered rental unit compliance. **At least one city implemented a penalty fee waiver program for the City Manager or designee to use when there was some objective, extenuating circumstance, or exceptional reason for late RRP participation.**

Community Outreach and Engagement in Other Cities

At the previous P&S Committee meeting, staff discussed presenting more detail on community outreach and engagement efforts for the ongoing program implementation. All cities interviewed indicated the following:

- Ongoing implementation of the RRP **would require extensive community outreach and engagement to ensure RRP participation** by landlords.
- A strong customer services orientation is needed for RRP staff, as well as the RRP website and online portal.
- Community notification ahead of rental unit registration periods was essential, as well as ongoing notifications as registration deadlines neared.
- RRP outreach and engagement also continued throughout the year leading up to the next year's registration period.
- **RRP staff directly assisted landlords in officially registering** their rental units, either through in-person clinics at libraries or other City facilities, through on-line live webinars, through in-person office meetings, and over the phone.



Rental Unit Registration Form

Rental Unit Registration Form

Rental Property Contact Information

Property owner full name	Enter full name
Mailing address	Enter mailing address (auto-fill)
Phone number	Enter phone number
Email address	Enter email address
Year of property purchase	Enter year of purchase (year wheel)
Palo Alto resident?	Enter yes/no (check box)
Preferred language	Enter preferred language (check box)
Property manager/landlord full name	Enter full name
Mailing address	Enter mailing address (auto-fill)
Phone number	Enter phone number
Email address	Enter email address
Palo Alto resident?	Enter yes/no (check box)
Preferred language	Enter preferred language (check box)

Rental Unit Characteristics

Property address	Enter property address (auto-fill)												
Property type	Enter property type (menu; examples: single family residence, duplex, multi-family residential building)												
Total number of housing units at the property	Enter number of units at property (option wheel)												
Year built	Enter year built (year wheel)												
Property amenities/services	Enter property amenities (check box)												
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Vehicle Parking Space (# of parking spaces)</td> <td>Water</td> </tr> <tr> <td>Electric Vehicle Charging</td> <td>Gas</td> </tr> <tr> <td>Bicycle Parking</td> <td>Electricity</td> </tr> <tr> <td>Laundry</td> <td>Refuse/Recycling/Compost</td> </tr> <tr> <td>Storage</td> <td>Internet</td> </tr> <tr> <td>Gym</td> <td>Cable</td> </tr> </table>	Vehicle Parking Space (# of parking spaces)	Water	Electric Vehicle Charging	Gas	Bicycle Parking	Electricity	Laundry	Refuse/Recycling/Compost	Storage	Internet	Gym	Cable
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Storage	Internet												
Gym	Cable												

	Pool
	Pets
	N/A
Rental unit address	Enter rental unit address (auto-fill)
Rental unit size (sqft)	Enter unit size
Rental unit number of bedrooms	Enter number of bedrooms (check box)
Rental unit number of bathrooms	Enter number of bathrooms (option wheel)
Year of last remodel or rental unit improvements	Enter year remodeled or improved (year wheel)
Rental unit owner-occupied or property manager/landlord-occupied	Enter yes/no (check box)

Tenancy Information

Rental unit tenancy status	Enter occupied or vacant (check box)																								
Date of <u>vacancy commencement</u>	Enter date or not applicable																								
Reason for vacancy	If vacant, enter reason for vacancy (check all relevant boxes)																								
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Date of <u>tenancy commencement</u>	Enter date or not applicable																								
Type of lease	Enter type of lease (check box) 1-year, 6 months, 3 months, month to month, other																								
Date of last 1-year lease renewal offer	Enter date or not applicable																								
Date of last lease renewal	Enter date or not applicable																								

Rent Information

Initial security deposit amount	Enter dollar amount																
Initial base rent amount (monthly)	Enter monthly rent amount																
Presence of rental assistance/subsidy	Enter yes/no (check box) If yes, type check box appears: Rental assistance (example: Housing Choice Section 8) Deed restricted (example: BMR program)																
Additional non-optional charges and optional charges	Enter description																
Amenities/services included in rent	Enter rental unit amenities (check all relevant boxes)																
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Pets	N/A																
Amenities/services for an additional fee	Enter rental unit amenities (check all relevant boxes)																
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Laundry	Refuse/Recycling/Compost																
Storage	Internet																
Gym	Cable																
Pool	Other																
Pets	N/A																
Number of people in rental unit household (total)	Enter number of people (option wheel)																
Affidavit Information	Attestation of information accuracy Date of rental unit registration submittal																
Can you provide any feedback on this rental unit registration process?	Open-ended qualitative response																