

CDF-OWNED EMPLOYEE HOUSING UNITS

3639

(No. 97 June 2006)

Reference / Authority:

CDF 3698.2
Civil Code, Section 798.56; 799.65; 827; 1951.2-3; 1980d; 1988; 1989
Code of Civil Procedure, Section 1162
DPA 599.642
Revenue and Taxation Code, Section 107
U.S. Tax Code, TITLE 26

Forms / Related Documents:

[AO-210](#) CDF Rental Agreement
[AO-210a](#) CDF Residence Check-List
[AO-210b](#) CDF Notice of Termination of Tenancy
[AO-210c](#) CDF Notice of Change of Monthly Rent
[AO-210d](#) CDF Notice of Belief of Abandonment
[AO-210e](#) CDF Notice to Reclaim Personal Property
[AO-211a](#) CDF Mobile Home Space/Pad Check List
[STD.650](#)

CDF-owned employee housing units refers to single family residences, mobile home and trailer pads that are located at units and conservation camp sites. These sites are owned and controlled by CDF (California Department of Forestry and Fire Protection).

In order to be eligible for tenancy and remain in tenancy under this rental agreement, one of the residents must be permanent state employee of CDF or CDCR (California Department of Corrections and Rehabilitation). If there are any exceptions, contact the Departmental Accounting Office (DAO) – A/R Supervisor.

EMPLOYEE HOUSING RENTAL AGREEMENT

3639.1

(No. 97 June 2006)

The AO-210, CDF Rental Agreement, is completed prior to the occupancy of any CDF employee housing unit. The AO-210 is a binding official contract between the employee - tenant and CDF. CDF-owned employee housing units shall not be rented to anyone who refuses to sign an AO-210.

CONTENTS OF THE RENTAL AGREEMENT

3639.1.1

(No. 97 June 2006)

Contents of the rental agreement specifies the premises location; rental fees; use of the residence; subletting info; rules and regulations (incorporation and modifications); common facilities; claims against the State; termination of lease; expiration of term; and condition of residence. The AO-210 must be signed and dated by the tenant(s) and a CDF authorized representative.

PAYMENT OF RENT

3639.2

(No. 97 June 2006)

The first month's rent will be initiated by personal check, cashier's check, or money order. Rental payments will thereafter be paid monthly by payroll deduction in accordance with Department of Personnel Administration (DPA) regulations, Memorandums of Understanding (MOU's) and Bargaining Unit Agreements. The DAO will initiate a Miscellaneous Deduction Change Report (STD. 650) to establish payroll deduction for a new account or a change an existing account. DAO will obtain all necessary information to initiate or delete miscellaneous deductions from the AO-210.

PAYMENT OF UTILITIES

3639.3

(No. 97 June 2006)

It is CDF's policy not to furnish commercial utilities for employee housing units. Unless billed directly by the utility companies, tenants shall pay a fair and reasonable average monthly charge to be determined by the unit.

If water is not metered, employees will be charged the flat monthly rates in accordance with DPA section 599.642.

The arrangement for all payment of utilities will be clearly noted in the AO-210.

RENTAL HOUSING INFORMATION

3639.4

(No. 97 June 2006)

APPRAISAL

3639.4.1

(No. 97 June 2006)

An appraisal is necessary to ensure compliance of just compensation. (U.S. Tax Code, TITLE 26, Subtitle A, CHAPTER 1, Subchapter B, PART I, Sec 61). Fair market rental appraisals must be obtained on an annual basis, or at least reviewed on an annual basis by a licensed independent appraiser. The basic document in all appraisals is the Appraisal Report. It contains the appraiser's estimate of fair-market rental value and all data and narrative necessary to support the appraiser's conclusions.

LICENSED APPRAISERS

3639.4.2

(No. 97 June 2006)

When CDF employs an independent fee appraiser to prepare a rental rate appraisal, the independent appraiser must be a licensed appraiser in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP).

Fieldwork will be accomplished with the co-operation of the unit. The tenant will also be present during the site visit.

NOTE: Employee owned trailers do not require appraisals; only the employer owned space requires appraisal.

NOTICE OF DECISION TO APPRAISE

3639.4.3

(No. 97 June 2006)

The CDF unit must advise the tenant of the State's decision to appraise the property. The notice must be in writing and cover the following:

- A specific housing unit is being considered for appraisal.
- In accordance with U.S Tax Code, TITLE 26, Subtitle A, CHAPTER 1, Subchapter B, PART III, Sec 119 (d), all properties must be evaluated annually to establish current fair-market rental value.

The notice will request that the tenant be present and accompany the appraiser and the CDF unit representative on an inspection of the interior of the rental unit. Advance notice will be given in accordance with the terms stated in the AO-210.

APPRAISAL REPORT

(No. 97 June 2006)

3639.4.4

An appraisal report shall include the following information:

- Address of the rental unit as shown on the AO-210
- Parcel summary
- Location map
- Housing unit description
- Current rent
- Comparable data
- Sources
- Photographs
- Fair market rental rate calculation
- Statement of value
- Certification of appraiser (signature and date)

If appraised as a mobile home, it will be identified by a space number and will be appraised in the same manner as a residence; however, the following additional information will be required:

- Year built and manufacturer
- Vehicle serial number, plate number and expiration date.

The appraiser will submit a completed report to the CDF unit. Upon receipt of a completed Fair Market Appraisal Report, the unit will forward a copy to DAO within 10 days after the appraisal date. The original will be kept at the unit.

RENTAL PROCEDURES

(No. 97 June 2006)

3639.5

RENTAL RATE

(No. 97 June 2006)

3639.5.1

Employee-tenant will pay the most current fair market rental rates unless otherwise limited by the current bargaining unit agreements.

If the rent is to be changed during occupancy, the unit must complete the AO-210c, CDF Notice of Change of Monthly Rent as prescribed by Civil Code, Section 827 and prepare an updated AO-210 for tenant signature.

RENTAL PROCESS

3639.5.2

(No. 97 June 2006)

Upon selection of an employee-tenant, the unit will do the following:

1. Complete an AO-210 found on the Intranet.
2. Have one original and one copy of the AO-210 signed by the employee-tenant(s) and the unit chief or authorized representative.
3. Review the AO-210 with the employee-tenant. Discuss any regulations, local ordinances and answer any questions. The signature on the AO-210 is acknowledgment of the following:
 - A. That tenant has reviewed the conditions of the agreement;
 - B. Will be placed on payroll deduction status for future rental payments to CDF;
 - C. Accepts and is willing to abide by the conditions as presented in the AO-210.
4. Employee-tenant(s) is required to pay the unit either by a personal check, cashier's check or money order for the first month's rent.
5. Unit shall give one fully signed copy of the AO-210 to the employee-tenants(s), retain the original copy in the unit and send a copy to DAO along with the employee-tenant's first month rent payment.
6. An AO-210a, CDF Residence Checklist or an AO-211a, CDF Mobile Home Space/Pad Checklist will be completed and signed by the employee-tenant(s) and the unit chief or authorized representatives during the walk-through before the rental housing unit is occupied. Any concerns about the units shall be addressed on this form in the comment section.
7. If termination of tenancy by CDF unit (required) and as described by law, completes AO-210b, CDF Notice of Termination of Tenancy. Send a copy to DAO upon execution. The unit shall maintain the original for their records.
8. If termination of tenancy by employee-tenant (voluntary), forward a copy of the last page of the AO-210 to DAO for canceling payroll deduction.

9. If tenant(s) vacate without notice, unit shall complete an AO-210d, CDF Notice of Belief of Abandonment and an AO-210e, CDF Notice of Right to Reclaim Abandoned Personal Property. Send a copy to DAO within 10 days. The unit shall maintain the original for their records.

DELEGATED RESPONSIBILITIES

3639.6

(No. 97 June 2006)

CDF UNIT RESPONSIBILITIES

3639.6.1

(No. 97 June 2006)

- Obtain a new fair market appraisal, if required, to keep appraisal reports current. If employee housing unit is occupied, the unit must complete the AO-210c within the appropriate timeframes and prepare an updated AO-210 for tenant signature.
- Select employee-tenant to occupy the rental housing unit and follow instructions outlined in the Rental Process (3939.5.2). Use the most current rental rate from the most recent appraisal on file.
- Send a copy of the signed AO-210 along with the first month's rental payment to DAO upon execution.
- Ensure that all occupied CDF employee housing units have a fully signed AO-210 on file. A separate file shall be maintained for each housing unit.
- Maintain an accounting of utilities or miscellaneous and notify DAO to invoice.
- Complete an AO-210b within the legal timeframes to notify tenant to vacate premises or if tenant is terminated from the STATE.
- Enforce standards for maintaining the upkeep of the premises, accessory buildings, and other improvements, as well as standards for conduct.
- Enforce all conditions of the AO-210 including pet and vehicle regulations.
- Monitor occupants living in units, based on the names in the AO-210.
- Give employee-tenant(s) a minimum of 24-hour notice of intent to enter premises, except in emergency situations. If tenant(s) has vacated the residence follow procedures for AO-210d and AO-210e.

- Schedule maintenance and repairs when needed for the rental housing units.
- Upon request (by County Tax Assessor), submit a list of tenants occupying CDF housing units. (Revenue and Taxation Code, Section 107)
- Accompany "appraiser" and tenant while on CDF housing premises.
- Serve notice to employee-tenant(s) when a breach in contractual terms has occurred (Code of Civil Procedure, Section 1162). Notice must state specific facts and reason for the notice.
- **Upon termination of tenancy by CDF (required)**, unit shall complete an AO-210b. Send copy to DAO within 10 days after the date of termination. The unit shall maintain original for their records.
- **Upon termination of tenancy by employee-tenant (voluntary)**, unit will send copy of the last page of the AO-210 to DAO within 10 days after the date of termination. The unit shall maintain original for their records.
- Complete AO-210d and AO-210e if tenant abandons property without notice. If tenant has personal property, dispose using proper notices and procedures per Civil Code section, 1988, and 1989.
- Addresses legal issues and any claims filed against the (CDF) State.

DAO RESPONSIBILITIES

3639.6.2

(No. 97 June 2006)

- Establish an information file for each employee-tenant.
- Initiate the payroll deduction via the State Controller's Office (SCO), STD. 650, based on the information contained in the AO-210. Upon termination, prepare documents and forward them to the SCO to discontinue payroll deduction for the employee-tenant.
- Maintains a current appraisal file by location number.
- Notifies the unit when an employee-tenant should be given notice of rental increase.
- Maintains a database of all employee-tenants renting housing units and rental payments and status of appraisals.

- Bill employee-tenant by invoice until the payroll deduction is fully operative.
- Invoice tenant's respective agency, if non-CDF employee.
- Report monthly to the SCO, all housing units renting below fair market rental value and the differences between actual rent and the fair-market rent (which is considered a fringe benefit by the IRS regulatory codes). Refer to Intranet Handbook Section 3698.4 for procedures associated with the reporting of taxable fringe benefits for state-provided housing.
- Invoice employee-tenants for utilities, if applicable.

[\(see next section\)](#)

[\(see HB Table of Contents\)](#)

[\(see Forms or Forms Samples\)](#)