



CONSENT CALENDAR
January 21, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Rigel Robinson, Mayor Jesse Arreguin,
Councilmember Kate Harrison, and Councilmember Terry Taplin

Subject: Support for AB 15 and AB16

RECOMMENDATION

Send a letter of support for AB 15, the Tenant Stabilization Act of 2021, and AB 16, the Tenant, Small Landlord, and Affordable Housing Provider Stabilization Act of 2021, to Assemblymembers Buffy Wicks and David Chiu and Senator Nancy Skinner, and urge the legislature not to preempt cities like Berkeley from taking robust steps to protect tenants.

BACKGROUND

The COVID-19 pandemic and resultant economic catastrophe have had a disproportionate impact on tenants throughout our community and the nation. While the City of Berkeley has taken robust and impactful actions to safeguard tenants against eviction and provide financial relief for those who cannot afford rent payments, the City simply lacks the resources, legal and financial, to provide an adequate response. An abdication of responsibility at both the state and national levels have left communities like Berkeley with no good choices.

This past legislative cycle, a disappointingly watered-down AB 3088 was the State Legislature's response to the profound suffering facing California's tenants. Our community, like many, was caught off-guard and dismayed that eleventh-hour preemptions to our local ordinances, ordinances that had been authorized under Governor Newsom's April anti-eviction order, were inserted into AB 3088. These preemptions penalized jurisdictions like Berkeley that proactively addressed the COVID-19 economic and public health crisis. The preemption of local action in AB 3088 created a needlessly complex legal environment, compromising and even invalidating some local protections.

AB 3088 is now set to expire in less than one month's time. Despite its deep flaws, the expiration of AB 3088 would be cataclysmic for tenants and all California communities, and set the stage for a wave of homelessness not seen in our state since the Hoovervilles of the Great Depression. AB 15, primarily authored by Assemblymember David Chiu alongside Berkeley's Assemblymember Buffy Wicks, would extend and strengthen the provisions of AB 3088 through the end of 2021. AB 16, currently a shell bill, seeks to move beyond the short-term protections of AB 3088 and move towards long term stability for California's tenant community.

While the amendments envisioned in AB 15 to AB 3088 are insufficient to fully allow Berkeley's local protections to serve tenants as originally intended, it is critical and non-negotiable that the extension of state-level protections for renters and small property owners function as a baseline for local protections and not further hamstring the City's ability to respond swiftly and effectively to our constituents' dire needs. The Council should therefore support AB 15 as currently drafted and oppose the inclusion of statewide preemption of local protections.

FINANCIAL IMPLICATIONS

The eviction crisis that would result from the failure to extend AB 3088 would critically exacerbate the already overwhelming burden the City faces to assist our community in weathering the COVID-19 pandemic.

ENVIRONMENTAL SUSTAINABILITY

Eviction and displacement contribute to longer commutes from former residents who must often then travel farther to their places of employment.

CONTACT PERSON

Councilmember Rigel Robinson, Council District 7, (510) 981-7170

Attachment:

1: Letter

The Honorable David Chiu
Member of the Assembly
State Capitol, Room 4112
Sacramento, CA, 94249

Re: AB 15 and AB 16

Dear Assemblymember Chiu,

The Berkeley City Council expresses its deep concern over the impending expiration of AB 3088 and its support for AB 15 and 16.

The COVID-19 pandemic and resultant economic catastrophe have had a disproportionate impact on tenants throughout our community and the nation. While the City of Berkeley has taken robust and impactful actions to safeguard tenants against eviction and provide financial relief for those who cannot afford rent payments, the City simply lacks the resources, legal and financial, to provide an adequate response. An abdication of responsibility at both the state and national levels have left our community with no good choices.

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Sincerely,

The Council of the City of Berkeley

CC: Senator Nancy Skinner

Assemblymember Buffy Wicks