

# Renting in Berkeley 101

## A Guide for Cal Students

Published by the City of Berkeley Rent Stabilization Board

### Berkeley Has Rent Control

#### What is rent control?

In 1980, the voters enacted a law – the **Rent Stabilization and Eviction for Good Cause Ordinance** (the “Rent Ordinance”) – that regulates most residential units in Berkeley with two key purposes: 1) to protect tenants from unwarranted rent increases, and 2) to protect tenants from evictions without a “good cause.” With few exceptions, even units not covered by rent controls are guaranteed eviction protections.

#### And what does it mean for you?

- Tenants can petition to reduce rent due to poor housing conditions
- Landlords cannot tell you to leave just because they don't like you, want to sell the property, or can get higher rent from someone else
- You have the right to interest on your security deposit
- You can get advice on your rights and responsibilities as a tenant

### Three Other Things You Should Know



### The Berkeley Rent Board Can Help

#### Who We Are

We are dedicated public servants: Professional staff and elected Rent Board Commissioners.

The Rent Ordinance serves “to address the City of Berkeley’s housing crisis, preserve the public peace, health and safety, and advance the housing policies of the City with regard to low and fixed income persons, minorities, **students**, handicapped, and the aged.” Berkeley Municipal Code 13.76.030

#### Services We Provide

- Rental Housing Counseling and Advice
- Workshops
- Mediation and Hearings

**Call and Speak with a Rent Board Housing Counselor (510) 981-RENT**

**1.****Know  
Your  
Status****Are You Under Rent Control?**

**STEP 1:** Understand what types of units are covered by rent control, eviction protections and the right to interest on a security deposit.

**Types of Rent Control Coverage for Units in Berkeley**

Type of Coverage	Description of Coverage	Examples
<b>Full Coverage</b>	Your rent is controlled and your rent ceiling can only be raised by an Annual General Adjustment (AGA). You can't be evicted just because the landlord doesn't like you: The landlord must have 1 of the 11 "good causes" to evict as enumerated in the Rent Ordinance in order to lawfully terminate your tenancy. You have a right to interest on your security deposit.	<ul style="list-style-type: none"> <li>▪ Most multi-unit properties in Berkeley that were built before June of 1980</li> <li>▪ Single-family homes with tenants who moved in prior to 1996</li> <li>▪ Single-family homes with 5 or more rooms rented out individually with separate leases</li> </ul>
<b>Partial Coverage</b>	Your rent is NOT controlled by our Rent Ordinance and you don't have a rent ceiling –your landlord can increase your rent without limit at the end of your fixed-term lease. You can't be evicted just because the landlord doesn't like you: The landlord must have 1 of the 11 "good causes" to evict as enumerated in the Rent Ordinance in order to lawfully terminate your tenancy. You have a right to interest on your security deposit.	<ul style="list-style-type: none"> <li>▪ Single-family homes first re-rented on or after 1/1/1996</li> <li>▪ Most condominiums</li> <li>▪ "New Construction": Units that received a certificate of occupancy after June 30, 1980 from Berkeley's Planning &amp; Development Department.</li> <li>▪ Section 8 tenancies</li> </ul>
<b>Fully Exempt</b>	No rent stabilization: Your rent can be raised without limit at the end of your lease and with proper notice. No eviction protections: You can be evicted with proper written notice for any or no reason at all. You do not have a right to interest on your security deposit.	<ul style="list-style-type: none"> <li>▪ Units where the tenant shares a kitchen or bath with the landlord</li> <li>▪ Any duplex that was owner-occupied on December 31, 1979, and currently has an owner living in one of the units ("Golden Duplexes")</li> <li>▪ Rental units rented by a non-profit, accredited institution of higher learning (i.e., dorms)</li> <li>▪ Non-profit cooperatives</li> </ul>

**STEP 2:** Check the Rent Board’s website and click on the CHECK RENTAL UNIT STATUS AND RENT CEILING link which is on the main page. However, note that the listed “ceiling” may relate to a prior tenant and is not applicable to rent charged to you (landlord can reset to market rate rent for a new tenancy – when all original tenants vacate).

**STEP 3:** Call the Berkeley Rent Stabilization Program at (510) 981-RENT to check on the status of a property.



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## **Frequently Asked Questions**

**Will the landlord ask for a credit or background check?**

Very likely. Some landlords ask the applicant to bring their credit report, but many obtain information from the parents as co-signors or the student to run a background check. Berkeley’s ‘Tenant Screening Fee Rights Ordinance’ limits the amount the landlord can charge (approximately \$49 in 2014) and the application must state that any amount not used must be refunded. For more info please visit [http://www.cityofberkeley.info/Rent\\_Stabilization\\_Board/Home/Tenant\\_Screening\\_Fees.aspx](http://www.cityofberkeley.info/Rent_Stabilization_Board/Home/Tenant_Screening_Fees.aspx)

**Should I conduct a ‘walk through’ of the unit before signing the lease?**

YES! Complete a checklist on the condition of every room in the unit before moving in as this may prove useful in disputes over the security deposit once the tenant(s) vacate.

**What can they charge for a ‘security deposit?’**

The property owner/landlord can request up to two months’ rent for unfurnished units or three times the rent for furnished units. Security deposits may be used to cover unpaid rent (including last month’s rent if the tenant doesn’t pay), damage caused by the tenant or his/her guests (less normal wear and tear), or cleaning to return the unit to the condition rented.

**How much rent can they initially charge?**

For a new tenancy (an empty unit with no pre-existing group of tenants), a landlord can set initial rent at “prevailing market rate” under state law (Costa-Hawkins Act) which means whatever the market will bear.

**Read the lease or rental contract closely before signing.**

One of the 11 “good causes” for an eviction, as enumerated in the Rent Ordinance, is if the tenant violates a material term of their lease (i.e., not having pets, guests beyond a certain number of days, prohibiting subleasing, etc.) after being asked in writing to stop. **As of May 1, 2014, all multi-unit rental properties will require a non-smoking provision in the lease.** Thus, be aware of every provision in the lease as it may prohibit certain activities.

**Report Repair Needs/Ask for Help**

California law requires that landlords provide safe and habitable housing, i.e., a unit that it is pest free, has hot and cold running water, heat, weatherproofing, etc. (California Civil Code Section 1941.1). Once students move in, they should always report in writing to the manager or landlord when repairs are needed. If there is no response or repair in a reasonable time, tenants can request a free housing inspection from the City at (510) 981-5444, or call the Rent Board at (510) 981-RENT for further counseling and possible remedies.

**How do rent increases work?**

On January 1st, the rent ceiling for all rent-controlled units covered by the Rent Ordinance is subject to change by the AGA (small percentage increase to the ceiling). A student’s initial rent in a rent-controlled unit cannot be increased until January 1st after the next full year following their initial tenancy start date. For example, if your tenancy began in 2014, the first time the landlord can adjust your rent would be January 1, 2016.

**Eviction Protections**

“Good cause” is required for an eviction in most rental units in Berkeley. There are 11 “good causes” which include (among others): Failure to pay rent; violation of the terms of a lease; or refusal by the tenant, after written notice, to pay for damage or to cease causing a disturbance. “Good cause” does not include mere expiration of a lease, the property being purchased by a new owner, or foreclosure. A landlord must complete certain procedural requirements before proceeding to court to evict a tenant. Tenants should pay close attention to any warning letters or notices and immediately contact the Rent Board at (510) 981-RENT for counseling.

**Additional Resources for Cal Students**

- ASUC’s Renter’s Legal Assistance ..... (510) 642-1755
- Cal Legal Services for Students ..... (510) 642-3916
- Tang Center for Health and Mental Health ..... (510) 642-2000
- East Bay Community Law Center ..... (510) 548-4040
- Eviction Defense Center ..... (510) 452-4541

**3.**

**Know Your Recourse**

**Contact the Berkeley Rent Board**



Call or e-mail the Berkeley Rent Board with any questions or concerns you may have regarding housing or tenants’ rights in the City of Berkeley:

- Phone:** (510) 981-RENT (981-7368)
- E-mail:** rent@cityofberkeley.info
- Website:** http://www.cityofberkeley.info/rent



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