



Rent Stabilization Board

RENT STABILIZATION BOARD
Regular Meeting
Thursday, October 21, 2021
6:00 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e) and City Council Resolution 70,030-N.S., this meeting of the City of Berkeley Rent Stabilization Board (Rent Board) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolution and the findings contained therein that the spread of COVID-19 continues to be a threat to the public health and that holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies. Therefore, **there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/85931266669?pwd=ajM1cGx3TnExYlA4RHV5MGlmR092dz09>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "Raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833 and enter Meeting ID: 859 3126 6669 and Passcode: 804190. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

To submit an e-mail comment, email amueller@cityofberkeley.info with the Subject Line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 4:00 p.m. on the day of the meeting in order to be included.**

Please be mindful that this meeting will be recorded, and all other rules of procedure and decorum will apply for Rent Board meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953, 54956, and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Matt Brown, Acting Executive Director, at (510) 981-7368. The Rent Board may take action related to any subject listed on the Agenda.

RENT STABILIZATION BOARD
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Thursday, October 21, 2021
6:00 p.m.

AGENDA

*Times allotted for each item are approximate and may be changed at the Board’s discretion during the course of this meeting.

1. **Roll call** – 1 min.*
2. **Approval of Agenda** – 1 min.*
3. **Introduction of recently-hired Rent Board staff** – 5 min.*
4. **Public Comment** – 2 min. per speaker for items on the agenda*
5. **CLOSED SESSION** – The Board will adjourn to reconvene in closed session to discuss the following:

Public Employee Appointment pursuant to Government Code Section 54957(b)(1)
Title: Executive Director

Conference with Labor Negotiators pursuant to Government Code Section 54957.6
Agency Designated Representative: Board Chair
Unrepresented Employee: Executive Director

The Board will announce any action taken during closed session when they return to open session.

6. **Public Comment** – 2 min. per speaker for *non*-agendized items*
7. **SPECIAL PRESENTATION**: “**Berkeley Housing Authority: Program Updates**” by Rachel Gonzales-Levine, Acting Executive Director, Berkeley Housing Authority
8. **CONSENT ITEMS** – 1 min.*
 - a. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Acting Executive Director & Registration Unit Supervisor)

Ministerial Waivers

<u>Waiver No.</u>	<u>Property Address</u>
5001	2423 Haste Street
5002	1400 Oregon Street
5003	1418 Spruce Street
5008	1525 Delaware Street

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
4990	3143 Ellis Street
5000	1518 Harmon Street
5004	3144 King Street
5005	2521 Regent Street
5006	1300 Delaware Street

9. ACTION ITEMS

a. From Board Members, Committees, and Executive Director

- (1) Discussion and possible action to adopt proposed Resolution 21-26 to appoint Executive Director and approve Employment Agreement (Full Board) – 10 min.*
- (2) Recommendation to adopt proposed amendments to Regulation 503 [Definition of Principal Residence] – *Second reading* (IRA/AGA/Registration Committee & Acting Executive Director) – 10 min.*
- (3) Recommendation to adopt Resolution 21-27 confirming the 2022 Annual General Adjustment (AGA) of **2.1 percent** and order that the 2022 AGA be published as Regulation 1144 (IRA/AGA/Registration Committee & Acting Executive Director) – 5 min.*
- (4) Recommendation to adopt Resolution 21-28 confirming that the 2022 relocation assistance payments for Owner Move-in and Ellis Act evictions shall increase by 3.2 percent effective January 1, 2022, and publishing the 2022 relocation payment amounts (IRA/AGA/Registration Committee & Acting Executive Director) – 5 min.*
- (5) Recommendation to adopt Resolution 21-29 authorizing the Rent Board to continue to meet via videoconference and teleconference pursuant to Assembly Bill 361 and incorporating by reference Council Resolution 70,030-N.S. (Chair Simon-Weisberg & Acting Executive Director) – 5 min.*
- (6) Recommendation to adopt Resolution 21-30 authorizing the Executive Director to modify the contract with QuickCaption, Inc. for real-time closed captioning of Rent Board Meetings by increasing the contract in the amount of \$10,000 for the 2021-2022 fiscal year (Acting Executive Director) – 5 min.*

10. INFORMATION, ANNOUNCEMENTS AND NEWS ARTICLES

Please Note: The Board may move Information Items to the Action Calendar.

a. Reports from Board Members/Staff

- (1) September 30, 2021 press release regarding Superior Court of Alameda County's extension of stay on unlawful detainers (Acting Executive Director) – 5 min.*

- (2) Update on Fair Chance Ordinance counseling materials (Acting Executive Director) – 5 min.*
- (3) Updated Commissioner attendance records for Board and Committee meetings through the 3rd quarter of 2021 (Acting Executive Director) – 2 min.*
- (4) October 5, 2021 *U.S. News.com* article by Colleen Wynn titled, “More Than a Home: Housing Is a Human Right” (Commissioner Laverde) – 1 min.*
<https://www.usnews.com/news/health-news/articles/2021-10-05/more-than-a-home-housing-is-a-human-right>
- (5) Date to submit agenda topics/items for the November 18th Rent Board meeting:
Friday, November 5th

11. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget and Personnel Committee (Commissioner Selawsky, Chair) – 5 min.*
Next regularly-scheduled meeting: TBA
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Mendonca, Chair) – 5 min.*
Next regularly-scheduled meeting: TBA
 - (1) October 14th agenda
- c. IRA/AGA/Registration Committee (Commissioner Kelley, Chair) – 5 min.*
Next regularly-scheduled meeting: Wednesday, November 10, 2021 at 5:00 p.m.
 - (1) October 13th agenda
- d. Outreach Committee (Commissioner Laverde, Chair) – 5 min.*
Next regularly-scheduled meeting: TBA
 - (1) October 20th agenda
- e. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA) – 3 min.*
Regularly-scheduled meeting date: TBA
- f. 4 x 4 Joint Committee on Housing: City Council/Rent Board – 5 min.*
Committee Co-Chairs: Mayor Arreguín and Chair Simon-Weisberg
Next regularly-scheduled meeting: Wednesday, October 27th at 3:00 p.m.
 - (1) September 22nd agenda packet (amended)
- g. Ad Hoc Committee on RSB Technology Issues (Chair TBA) – 1 min.*
Next meeting date: TBA

- h. Updates and Announcements – 3 min.*
- i. Discussion of items for possible placement on future agenda – 3 min.*

12. ADJOURNMENT

COMMUNICATIONS DISCLAIMER:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: October 21, 2021

TO: Honorable Members of the Rent Stabilization Board

FROM: Matt Brown, Acting Executive Director *MB*

BY: Allison Pretto, Senior Management Analyst

SUBJECT: Request for waiver of late registration penalties

Recommendation:

That the Board approve the attached recommendations.

Background and Need For Rent Stabilization Board Action:

The Board's penalty waiver process is governed by Regulations 883, 884 and 885. Regulation 883 lists the grounds for administrative waivers. In accordance with Regulation 884, the Executive Director reviews waiver requests that do not meet the criteria for an administrative waiver. Regulation 884 lists 12 categories, which will require a review of the totality of the circumstances by the full Board prior to granting any waiver request. Waivers that require a review of the totality of the circumstances are listed below as "Discretionary Waiver." If none of the 12 listed categories apply to the property, the waiver shall be granted/denied in a ministerial manner, based upon the formula outlined in Regulation 884(C). The Board may only alter these ministerial waivers if staff has incorrectly applied the criteria listed in Regulation 884 (B)(1-12).

Ministerial Waivers

In accordance with Regulation 884, the Executive Director reviews waiver requests that do not meet the criteria enumerated in Regulation 883. The following waiver request will be decided ministerially, unless the Board has reason to believe the underlying basis of the recommended assessment is inappropriate.

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
5001	2423 Haste Street	First Church Foundation	\$4,000	\$2,400	\$1,600
5002	1400 Oregon Street	Shirley Covington	\$1,750	\$1,400	\$350
5003	1418 Spruce Street	Michael Kiparsky	\$712	\$570	\$142
5008	1525 Delaware Street	Jay Smith & Andrea Paulos	\$250	\$200	\$50
TOTAL			\$6,712	\$4,570	\$2,142

Financial Impact: Ministerial Waivers

Approval of Acting Executive Director's recommendations will decrease the Board's current accounts receivable by **\$4,570**.

Discretionary Waivers

For the waiver requests listed below, staff recommendations are attached and presented to the full Board for its approval. With respect to these cases, the determination of good cause to waive some or all of the penalties depends on the totality of the circumstances.

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
4990	3143 Ellis Street	David Desko	\$1,500	\$380	\$1,120
5000	1518 Harmon Street	Jose, Gracela & Angel Perez	\$336	\$336	\$0
5004	3144 King Street	Nara Group LLC	\$4,000	\$2,000	\$2,000
5005	2521 Regent Street	EMC Management LLC	\$170	\$170	\$0
5006	1300 Delaware Street	1300 Delaware Street LP	\$18,730	\$11,240	\$7,490
TOTAL			\$24,736	\$14,126	\$10,610

Financial Impact: Discretionary Waivers

Approval of Acting Executive Director's recommendations will decrease the Board's current accounts receivable by **\$14,126**.

Name and Telephone Number of Contact Person:

Matt Brown, Acting Executive Director
Rent Stabilization Board
2125 Milvia Street, Berkeley, CA 94704
(510) 981-7368

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: 4990	Property address: 3143 ELLIS ST	Transferred: 10/07/1992
# of Units: 2	Exempt units (as of October 2021): Unit #NA - Owner Use	
Owner(s): DAVID DESKO		Waiver filed by: Bernice Gross
Other Berkeley rental property owned: None		

Late payment/penalty history: The property is a duplex. Both units had been claimed exempt since 1994 as "Owner Occupied." The property is owned by David Desko, who has an agreement with Bernice Gross under which they both consider her to be an owner despite the fact that Ms. Gross is not on title of the property, and therefore does not have a recorded interest. In June 2021, Ms. Gross contacted a counselor at the Rent Board. During the course of the call she indicated that one of the units has been rented for more than a decade. She also shared that she lives in the property but is not a recorded owner. Thus, she learned that the property was not owner-occupied for the purposes of the duplex exemption. She was referred to the Registration Unit, which helped her register the rented unit under the agency's policy of charging the current and previous two years' registration fees, and limiting penalties to two per registration period. Ms. Gross paid the fees and filed a request for waiver of the penalties.

Penalties Currently Under Consideration

Reason for Penalties: Late Payment of 2019/2020, and 2020/2021 Annual Registration Fees

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2021/2022	1	\$250.00	06/10/2021	\$500.00	\$0.00	\$500.00
2020/2021	1	\$250.00	06/10/2021	\$1000.00	\$500.00	\$500.00
2019/2020	1	\$250.000	06/10/2021	\$1500.00	\$1000.00	\$500.00
Totals				\$3000.00	\$1500.00	\$1500.00

Grounds under Regulation 884(B): (8) The penalty has accrued because registration fees have not been paid for three or more fiscal years.

Good cause claimed by owner: The waiver is filed by Bernice Gross, who describes herself as "owner but not on title," and who states that when she and David Desko were new owners with no other residential property in Berkeley, "we were told that since it was a duplex, and going to be owner-occupied ... that we were living in a Golden duplex." They thought it qualified as owner-occupied exempt because it was "owner occupied, thinking that Bernice Gross was the owner even though she is not on title." And so "we thought the property was exempt from registration, especially since we never received an original billing statement or invoice." She states that "as an act of good faith, we have contacted the registration board ourselves with no prompting by an invoice etc. and would very much like to resolve this matter in an agreeable manner to all parties."

Recommendation: Staff recommends waiving 25% of the penalty, or \$380, and imposing 75%, or \$1,120.

Staff Analysis: The situation is an unusual one, in that the occupant of the property considers herself to be an owner, when she does not have a recorded share interest. The self-identified owner says she reached out to the Rent Board in good faith, but staff is perplexed that she did not do so earlier -- the current tenancy began in 2007. Furthermore, the owner has not paid registration fees for nearly 15 years as a result of this significant delay in registration. For this reason, it is staff's opinion that some significant portion of this penalty be borne by the owner, and recommends a waiver of 25%.

W-4996

CITY OF BERKELEY
RENT STABILIZATION PROGRAM
2125 Milvia Street, Berkeley, CA 94704
PHONE: (510) 981-7368 • FAX: (510) 981-4910
WEB: <https://www.cityofberkeley.info/rent/>

RECEIVED
JUN 10 2021
Initial: [Signature]
Berkeley Rent Board

Request for Waiver of Late Registration Penalties
Please Read Important Information on Page 2

Property Address: 3143 Ellis Street Berkeley CA 94703

Owner: David Desko

Date of acquisition, if new owner: 10/1992

Name & relationship of person filing request, if not owner: Bernice Gross agent, owner but not on title

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

We were new owners with no other history of rental property in Berkeley or any where else. We were told that since it was a duplex, and going to be owner occupied, thinking that Bernice Gross was the owner even though she is not on title that we were living in a Golden duplex, as the previous owner lived on the property. And thus, we thought the property was exempt from registration, especially since we were never received an original billing statement or invoice. We had no idea that we were required to pay a registration fee.

As an act of good faith, we have contacted the registration board ourselves with no prompting by an invoice etc. and would very much like to resolve this matter in an agreeable manner to all parties. Thank you for your consideration of this request.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 6/10/2021 Signature: Bernice R Gross

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: melbasgirl@sbcglobal.net

Mailing Address: 3143 Ellis Street, Berkeley, CA 94703

Phone Number: 510.847.3689 Fax Number: _____

Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: 5000	Property address: 1518 HARMON ST	Transferred: 05/24/1999
# of Units: 5	Exempt units (as of October 2021): Unit #1/2-A - Rent-Free	
Owner(s): JOSE, GRACIELA & ANGEL PEREZ		Waiver filed by: Jose Perez
Other Berkeley rental property owned: None		

Late payment/penalty history: The property comprises five units. Until November 2020, three had been registered as rental units, one had been claimed exempt as occupied by a tenant on the Section 8 program, and one had been claimed exempt as occupied rent free. In May of 2021, the owner was billed for \$750 for three rental units. In early June 2021, the owner submitted a payment of \$1000, and indicated on the Unit Status Form that unit #LWR was no longer occupied by a Section 8 tenant and had been occupied by a market-rate tenant since November 1, 2020. Staff assessed a pro-rated fee of \$168; because more than 60 days had gone by since the unit had become rented, a \$168 penalty was also assessed. The owner was billed for the pro-rated fee, but did not pay until August 9, by which time an additional \$168 penalty had been assessed. The owner has since filed a request for waiver of the penalty on the pro-rated fee.

Penalties Currently Under Consideration

Reason for Penalties: Late Payment of 2020/2021 Pro-rated Registration Fee - 1 Unit

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2020/2021	1	\$168.00	08/09/2021	\$336.00	\$0.00	\$336.00
Totals				\$336.00	\$0.00	\$336.00

Grounds under Regulation 884(B): (1) The good cause asserted in the waiver request is a death or illness in the landlord's family.

Good cause claimed by owner: The states that while "2020 brought death, debt, loss and much more to many," he experienced "all of the above." He states that "I had 4 units vacant, family pass away due to Covid, personal health struggles & online account access problems." He concludes that he does not want to go into details, but has had "a hard year" and is "trying to move forward from a hardship and rough year full of debt, illnesses and death."

Recommendation: Staff recommends waiving the penalty in full.

Staff Analysis: The owner references the difficulties caused by the pandemic, with both lack of rental income and family members suffering with Covid. Furthermore, staff notes that the late payment of the 2020/2021 pro-rated fee is the owner's first late payment in the previous five years. Staff does not foresee future late payment for this owner, and in light of both the circumstances and his payment history recommends a full waiver.

W-5000

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RECEIVED

JUN 7 2021 JUN 7 2021

Request for Waiver of Late Registration Penalties

Please Read Important Information on Request for Waiver of Late Registration Penalties
Initial: _____
Berkeley Rent Board

Property Address: 1518 1/2 A/B/C - 1518 Harmon 1520 Harmon St, Berkeley, CA 94703

Owner: Jose Perez

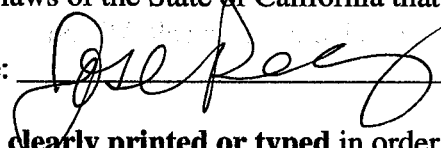
Date of acquisition, if new owner: _____

Name & relationship of person filing request, if not owner: _____

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

2020 brought death, debt, loss and much more to many. I was included in all of the above. I had 4 units vacant, family pass away due to covid, personnal health struggles & online account access problems, account wouldnt allow reset, security questions we hadnt selected and stated we had an account when we tried to create a new one. Without going into details of a hard year a im requesting a waiver of fees.
in trying to move forward from a hardship and rough year full of debt , illnesses and death.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 06/01/21 Signature: 

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: joserperez52@yahoo.com

Mailing Address: 2929 W. Sugar Hill Terrace, Dublin, CA 94568

Phone Number: 510-717-2615 Fax Number: _____

Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: 5004	Property address: 3144 KING ST	Transferred: 12/07/2017
# of Units: 7	Exempt units (as of October 2021): 0	
Owner(s): NARA GROUP LLC		Waiver filed by: Roman Fan
Other Berkeley rental property owned: None		

Late payment/penalty history: The case is an unusual one. Until 2021, this property had been reported to the Rent Board as comprising five rental units at 3144 King Street. In early 2021, a tenant contacted the Rent Board and revealed that s/he lived in a separate two-unit structure on the same property that had the address 1649 Fairview Street. Both units in the structure were rented; however, neither had ever been registered or claimed exempt with the Rent Board. Staff researched the history of the property, and discovered that a single-family home at 1649 Fairview had been built on the property in 1906 and at some point had been converted without permits into two units. When a single-family home is converted without permits into two units, both units become fully covered by the Rent Ordinance. The additional five units were built in 1959.

Staff reached out to the owner of the property, who contended first that it was a single-family home, and then that the two units at 1649 Fairview Street were new construction exempt. Staff explained that the "single family home" by 1980 had become at least six units, so it never could have been considered a single-family home for the purposes of rent control. Moreover, the illegal creation of the second unit did not qualify the two units as new construction exempt, and instead necessitated that the "single-family" structure be registered as two units. At this point, the owner paid registration fees for three years for the two units at 1649 Fairview, and filed a waiver request.

Penalties Currently Under Consideration

Reason for Penalties: Late Payment of 2018/2019, 2019/2020, and 2020/2021 Annual Registration Fees - 2 Units

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2020/2021	2	\$500.00	06/03/2021	\$1000.00	\$0.00	\$1000.00
2019/2020	2	\$500.00	09/03/2021	\$1500.00	\$500.00	\$1000.00
2018/2019	2	\$500.00	09/03/2021	\$3000.00	\$1000.00	\$2000.00
Totals				\$5500.00	\$1500.00	\$4000.00

Grounds under Regulation 884(B): (6) The landlord requesting the waiver owns or manages 11 or more rental units; (8) The penalty has accrued because registration fees have not been paid for three or more fiscal years.

Good cause claimed by owner: The person requesting the waiver is Roman Fan on behalf of the Berkeley property manager Korman & Ng. He states that "when the property was purchased [in 2017] we were told that these units were considered new construction and did not need to be registered. We were told by Allison [Pretto] that this information was wrong."

Recommendation: Staff recommends waiving 50% of the penalty, or \$2,000, and imposing 50%, or \$2,000.

Staff Analysis: The owner purchased the property relatively recently, in 2017, and received information from the prior owner that was wildly incorrect. What is most puzzling to staff is why the prior owner thought that the two units at 1649 Fairview could be considered new construction when an unpermitted unit had been created from a unit that had been on a multi-family property since prior to 1980. If the owner or manager had tried to verify this information with the Rent Board prior to sale, then an investigation into the matter would have taken place much earlier. Staff recommends that the owner for this reason should be responsible for at least half of the penalty, and recommends a waiver of 50%.

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JUL 16 2021

Initial: _____
Berkeley Rent Board

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2125 Milvia Street, Berkeley, CA 94704
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WEB: <https://www.cityofberkeley.info/rent/>

W-5004

Request for Waiver of Late Registration Penalties
Please Read Important Information on Page 2

Property Address: 1649 Fairview & BILK KING

Owner: JWT CAPITAL LLC

Date of acquisition, if new owner: _____

Name & relationship of person filing request, if not owner: Property Manager

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

WHEN THE PROPERTY WAS PURCHASED WE WERE TOLD
THESE UNITS WERE CONSIDERED NEW CONSTRUCTION
AND DID NOT NEED TO BE REGISTERED. WE WERE TOLD
BY ALLISON THIS INFORMATION WAS WRONG.

Please WAIVE THE LATE CHARGES.

THANKS

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 7-16-21 Signature: [Signature]

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: romanfanworks@gmail.com

Mailing Address: 898 THE ALAMEDA BERK CA 94707

Phone Number: 415-420-7663 Fax Number: _____

Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: 5005	Property address: 2521 REGENT ST	Transferred: 02/08/2019
# of Units: 21	Exempt units (as of October 2021): 0	
Owner(s): EMC MANAGEMENT LLC		Waiver filed by: Alice Wang
Other Berkeley rental property owned: None		

Late payment/penalty history: The property comprises 21 units, all of which are occupied by tenants. Until August 2020, however, unit #8 had been claimed exempt as a manager's unit. In October 2020, the property's manager filed a Vacancy Registration form to register the unit, which resulted in a pro-rated fee of \$210. An existing \$40 credit on the account brought the fee balance to \$170. The manager was billed, but did not pay the fee until May 6, 2021. By this time, a penalty had been assessed on the \$170 balance.

The owner's payment history is very good; the late payment of the pro-rated fee for unit #8 is the owner's first in the previous five years.

Penalties Currently Under Consideration

Reason for Penalties: Late Payment of 2020/2021 Pro-rated Registration Fee - 1 Unit

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2020/2021	1	\$210.00	05/06/2021	\$170.00	\$0.00	\$170.00
Totals				\$170.00	\$0.00	\$170.00

Grounds under Regulation 884(B): (6) The landlord requesting the waiver owns or manages 11 or more rental units.

Good cause claimed by owner: The waiver request has been filed by the manager, Alice Wang. She states that as a new manager, she had a fundamental misunderstanding of how to resolve the fee and penalty. She states that she thought she could "waive the penalty by paying off the outstanding fee" and that she "forgot to file the waiver form." She explains that she is new to her position, and that neither the previous manager nor owner knew about the outstanding penalty until she logged into the account on the Rent Board's online registration site.

Recommendation: Staff recommends waiving the penalty in full.

Staff Analysis: As the manager is new to the position, staff understands this type of oversight. Important to note is that the owner paid the 2021/2022 annual fee on time for all 21 units. Staff does not expect that the owner or manager will be delinquent in the future, and recommends a full waiver.

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AUG 16 2021

City of Berkeley Rent Board

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2125 Milvia Street, Berkeley, CA 94704
PHONE: (510) 981-7368 • FAX: (510) 981-4910
WEB: <https://www.cityofberkeley.info/rent/>

W-5005

Request for Waiver of Late Registration Penalties
Please Read Important Information on Page 2

Property Address: 2521 Regent St. Berkeley CA
Owner: 2521 Regent St LLC.
Date of acquisition, if new owner: _____

Name & relationship of person filing request, if not owner: Alice Wang manager

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

Hi, I emailed your office regarding the penalty fee, as the attached copy. I am very sorry that I thought I can waive the penalty by paying off the outstanding fee, and forget to file the Waiver form.

I apologize for my mistake, I am new to this position, and both ~~manag~~ owner and previous manager had no idea about the penalty till I logged into the website.

Please help to waive the penalty, all payment outstanding has been paid.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: Aug. 11 2021 Signature: _____

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: ~~alice.g.zhang~~ alice.wang@iream.club

Mailing Address: P.O. Box 2060 ORINDA CA 94563.

Phone Number: 510-306-4678. Fax Number: _____

Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: 5006	Property address: 1300 DELAWARE ST	Transferred: 07/31/2019
# of Units: 43	Exempt units (as of October 2021): Unit #31 - Exempt-Misc Unit #45 - Exempt-Misc	
Owner(s): 1300 DELAWARE LP		Waiver filed by: William Chu
Other Berkeley rental property owned: None		

Late payment/penalty history: This property comprises 43 units, 41 of which have been newly registered with the Berkeley Rent Board.

Background: From 1980 until January 2019, almost all of the units were totally exempt from the Berkeley Rent Ordinance because the previous owner, the Pacific Lutheran Seminary, was a member of the Graduate Theological Union (GTU) and was renting its units to students at the GTU. However, the current owner, 1300 Delaware LP, purchased the property in early 2019 and began renting out the units to tenants in early 2020.

In early 2021, a tenant contacted a Rent Board housing counselor who noted that the ownership had changed. As a result, the Registration Unit reached out to 1300 Delaware LP multiple times. No response was received. In July 2021, the new manager of the building reached out to explain that there had been a change of management that had caused delays in response to the Rent Board communications, but he was now ready to deal with the matter of registration. The new manager then went online and registered each of the new tenancies in the building. Most of the most recent tenancies had begun during the 2020/2021 registration year, but some had begun during the 2019/2020 registration year. Therefore, pro-rated fees were assessed for most of the units for the 2020/2021 and 2020/2021 years, and the full fee was assessed for 40 units for the 2021/2022 registration year.

The owner paid the outstanding delinquent fee balance of \$16,630 on August 23, 2021, and filed a waiver request for the \$18,730 penalty that was assessed as a result of late registration.

(It should be noted that two units on the property had been rented to non-GTU students since 1980, and have been timely registered properly by both GTU and the current owner.)

The late payment of these fees marks the owner's first, second, and third late payments since acquiring the property in January 2019.

Penalties Currently Under Consideration

Reason for Penalties: Late Payment of 2019/2020 and 2020/2021 Pro-rated Registration Fee and 2020/2021 Annual Registration Fee

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2021/2022	40	\$10,000.00	08/23/2021	\$10,000.00	\$0.00	\$10,000.00
2020/2021	37	\$6,462.00	08/23/2021	\$7,890.00	\$0.00	\$7,890.00
2019/2020	3	\$168.00	08/23/2021	\$840.00	\$0.00	\$840.00
Totals				\$18,730.00	\$0.00	\$18,730.00

Grounds under Regulation 884(B): The Landlord requesting the waiver owns or manages 11 or more rental units - 43 total.

Good cause claimed by owner: The waiver request has been filed by William Chu, who identifies himself as a partner of property owner 1300 Delaware LP. Mr. Chu states that "we are a new owner in Berkeley and our third-party property management company ... is also new to managing rentals in Berkeley." He says this is why "registration fees for the units at 1300 Delaware St. were missed."

Second, he states that the company has suffered from the Covid-19 pandemic in that the owner was "unable to finish the renovations of the property according to schedule. ... Due to the citywide restrictions on construction activity, final completion was delayed ... [and] we did not become over 90% occupied until December 2020.

Finally, he states that the tenants in the building are also experiencing financial difficulties due to Covid: "To date, we have been unable to collect nearly \$55K in rent due to tenants being affected by Covid. This includes three residents who have yet to pay rent for over 90 days and two who haven't paid over the last 60 days."

Recommendation: Staff recommends waiving 60% of the penalty, or \$11,240, and imposing 40%, or \$7,490.

Staff Analysis: This waiver is before the Board because the owner owns more than 11 units in Berkeley. The property comprises a total of 43 units, almost all of which are tenant-occupied. This is a large investment property, and it is strange that an owner would not start looking into local business and rental requirements immediately upon obtaining the property. Furthermore, the owner received registration billing statements for the two long-term tenants on the property both in May 2019 and May 2020, and paid both. Receipt of these bills and registration materials should have spurred the owner and/or manager to make an inquiry with the Rent Board. It seems that the owner had at least two opportunities to inquire about registration and did not take advantage of them.

Staff is sympathetic to the owner's claim that they to date they have not received \$55,000 in rent. However, the owner neglects to mention that the building's combined monthly rent ceiling is more than \$101,000, which amounts to over \$1.1 million annually.

For these reasons, staff does not see a compelling reason to veer from the ministerial schedule for this waiver request, which would result in the waiver of 60% of the penalty for three late payments in the previous five years.

W-5006

CITY OF BERKELEY
RENT STABILIZATION PROGRAM
2125 Milvia Street, Berkeley, CA 94704
PHONE: (510) 981-7368 • FAX: (510) 981-4910
WEB: <https://www.cityofberkeley.info/rent/>

RECEIVED
SEP 07 2021
Initial: W TCG
Berkeley Rent Board

Request for Waiver of Late Registration Penalties
Please Read Important Information on Page 2

Property Address: 1300 Delaware St. Berkeley, CA 94702

Owner: 1300 Delaware LP - Tesseract Capital Group

Date of acquisition, if new owner: 7/31/2019

Name & relationship of person filing request, if not owner: William Chu - Partner of 1300 Delaware LP

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document an extenuating circumstance that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

We are requesting for waiver of the late registration penalties for two primary reasons:

1) *We are a new owner in Berkeley and our third-party property management company – Apartment Management Consultants, is also new to managing rentals in Berkeley. Thus, the registration fees for the units at 1300 Delaware St. were missed.*

2) *We have and are continuing to experience financial hardships due to the COVID-19 pandemic.*
a. *We were unable to finish the renovations of the property according to schedule of March, 2020. Due to the city-wide restrictions on construction activity, final completion was delayed until September 2020. We did not become over 90% occupied until December 2020.*

b. *Many of our current tenants are still experiencing financial difficulties. To date, we have been unable to collect nearly \$55k in rent due to tenants being affected by COVID. This includes three residents who have yet to pay rent for over 90 days and two who haven't paid over the last 60 days.*

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: 8/11/2021 Signature: 

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: Will@tcg.capital

Mailing Address: 2191 Market St. STE A, San Francisco, CA 94114

Phone Number: 510-813-0494 Fax Number: 415-233-4044

Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.

RESOLUTION 21-26

**APPROVING EMPLOYMENT AGREEMENT FOR RENT STABILIZATION BOARD
EXECUTIVE DIRECTOR WITH DESEANA L. WILLIAMS**

BE IT RESOLVED by the Rent Stabilization Board of the City of Berkeley (“Board”) as follows:

WHEREAS, the Board is authorized under Section 123(2) of Article XVII of the Charter of the City of Berkeley to employ staff as necessary to perform its functions; and

WHEREAS, the Board desires to appoint an Executive Director to fill the current vacancy in that position; and

WHEREAS, the Executive Director shall serve as the chief administrator for the Board and is charged with the responsibility of protecting the interests of the Board and its employees as provided for under California law and Article XVII of the Charter of the City of Berkeley; and

WHEREAS, DeSeana L. Williams was selected following a competitive process that included a nationwide recruitment of candidates for the position and after interviewing first with selected members of the staff and then with members of the elected Board; and

WHEREAS, based upon Ms. Williams’ background, qualifications, experience and expertise, Ms. Williams is qualified to serve as Executive Director of the Board; and the Board desires to appoint DeSeana L. Williams as its Executive Director

NOW, THEREFORE, BE IT RESOLVED that the City of Berkeley Rent Stabilization Board hereby authorizes the Board Chair to execute an employment agreement with DeSeana L. Williams in the form attached hereto as Exhibit “A”.

Dated: October 21, 2021

Adopted by the Rent Stabilization Board of the City of Berkeley by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____

Board Secretary

EMPLOYMENT AGREEMENT

Executive Director

This Employment Agreement ("Agreement") is made and entered into on this ____ day of October, 2021, by and between the **Rent Stabilization Board of the City of Berkeley** (the "Board") and **DeSeana L. Williams** ("Employee") for services to be performed by Employee in the position of Executive Director. Board and Employee are collectively hereinafter referred to as "Parties."

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the Parties agree as follows:

1. **Term.** The Board hereby employs Employee as Executive Director of the Board and Employee hereby accepts employment for a period of three (3) years commencing on November 8, 2021 and ending on November 8, 2024, subject to the limitations of this Agreement.
2. **Duties.** Employee shall serve as Executive Director of the Board and shall carry out her duties in a manner consistent with the City of Berkeley Charter, Ordinances of the City of Berkeley, and applicable law. The Executive Director shall further the purposes and goals of the Rent Stabilization and Eviction for Good Cause Ordinance of the City of Berkeley ("Ordinance") and shall be responsible to the Board for the implementation of Board policy and for efficient and effective administration of all Board affairs. The Executive Director shall have the following powers and duties:
 - a. To ensure that the Ordinance, regulations, resolutions and directives of the Board are implemented and enforced.
 - b. To appoint, discipline or remove all employees of the Board, except for General Counsel to the Board, subject to the Civil Services provisions of the City of Berkeley Charter and Ordinances. Neither the Board nor any of its committees or members shall dictate or attempt to dictate, either directly or indirectly, the appointment of any specific person to office or employment by the Executive Director. Unless modified by specific agreement between the Board Chair and the Executive Director, the Board and its members shall deal with the Board staff through the Executive Director, except when Board members request information available to any other member of the public, or as designated by the Executive Director.
 - c. To develop and direct the policies and procedures for program implementation of the goals and objectives of the Board.
 - d. To attend all regular meetings of the Board and its committees, or assign an appropriate designee to attend, with the right to take part in discussions, but without the power to vote.
 - e. To recommend to the Board for adoption such measures and resolutions as may be deemed necessary.
 - f. To make investigations into the affairs of the Board, or any functional unit thereof.
 - g. To prepare and submit to the Board for its consideration and approval the proposed annual budget.
 - h. To keep the Board fully apprised of the financial condition and needs of the Board.

- i. To designate another employee of the Board as Acting Executive Director during planned periods of absence.
 - j. To perform such other duties as may be prescribed by law or required by resolution or motion of the Board.
 - k. Represent the Board in furtherance of the Ordinance and duties listed in this Agreement guided primarily by previous Board decisions.
 - l. The Employee shall devote productive time, ability and attention necessary to fulfill the duties of Executive Director Employee shall not render any compensated services of a business, commercial or professional nature to any other person or organization during the term of this Agreement without prior written consent of the Board.
3. **Compensation and Benefits.** For services rendered pursuant to this Agreement the Board shall pay Employee an annual base salary of Two Hundred Thousand Three Hundred Sixty-Six Dollars and Forty Cents (\$200,366.40). Said salary shall be paid on the dates and in the manner consistent with the payroll procedures of the City of Berkeley. Except as otherwise provided in this Agreement, Employee shall receive such employee benefits, for example, pension and vacation benefits, as are payable to that class of City of Berkeley employees designated Department Director in Unit Z1. Employee shall receive any cost-of-living adjustments awarded to the Department Director classification to the extent such increases do not exceed cost-of-living as defined in Government Code Section 3511.1. Nothing herein prevents the Board from otherwise adjusting the annual base salary of Employee at such times and to such extent as the Board may determine.
4. **Annual Goals.** Employee shall develop an annual statement of goals and objectives and a progress report for the Board and shall present such goals at a regularly called meeting of the Board to be selected each year by the Executive Director.
5. **Annual Performance Evaluation.** Employee shall receive a six (6) month performance evaluation where the Board will consider a salary increase up to five percent (5%). A one-year performance evaluation will be conducted by the Board where the Board will consider another salary increase up to five percent (5%). Thereafter, annually, prior to the anniversary date of the commencement of this Agreement, the Board and Employee shall meet to evaluate the performance of Employee. The Board may, in its sole discretion, use any professional assistance in establishing standards for performance assessment. Nothing in this section shall be construed to require Board to grant Employee any pay increases based on the performance standards, if any, mentioned above nor to limit in any manner the discretion of Board to grant or not grant pay increases. Nor shall anything in this Agreement be interpreted to require Board to evaluate Employee solely upon the performance standards, nor to limit the discretion of the Board to evaluate Employee as it deems necessary in the sole discretion of the Board.
6. **Termination and Severance.**
 - a. Due to the duties of the position and nature of the services provided by Employee to Board, the Employee serves at-will at the pleasure of the Board, and nothing herein shall

prevent, limit, or otherwise interfere with the right of the Board to terminate Employee with or without cause. Employee shall have no right to a termination hearing.

- b. If Employee is terminated by the Board while the Employee is still willing and able to perform the duties of Executive Director, the Board agrees to pay Employee a lump sum payment as follows: three (3) month's salary if terminated within the first six (6) months of commencement of employment; six (6) month's salary if terminated after six (6) months and through one year of employment; twelve (12) month's salary if terminated after one year of employment . For termination arising after the two-year anniversary of commencement of employment under this Agreement, Employee shall receive severance in the amount of the number of months remaining on the term of this Agreement at the time of termination of employment. Any severance payment made by the Board pursuant to this section, shall release the Board from any further obligations under this Agreement. Contemporaneously with the payment of severance under this section, the Employee shall execute and deliver to Board a release releasing the Board and the City of Berkeley from liability for all claims that the Employee may have against the Board or the City, except those claims prohibited from such release under either California or Federal law.
- c. Notwithstanding section 5(b) above, the Board shall not be obligated to pay, and shall not pay any amounts under section 5(b) to Employee if Employee is terminated because of:
 - i. The conviction of felony or misdemeanor or plea of nolo contendere to a crime,
 - ii. the conviction of any felony or misdemeanor involving moral turpitude,
 - iii. the willful or persistent material breach of duties or inattention to duties,
 - iv. a violation of statute or law constituting misconduct in office, or
 - v. willful misconduct.

Further, Board shall not be obligated to pay Employee any severance amount under section 5(b) if Employee voluntarily retires or resigns in writing prior to termination. In the event Employee voluntarily retires or resigns, Employee shall provide advance written notice to the Board of at least one (1) month.

- d. This Agreement shall be immediately terminated upon Employee's death or legal incapacity by operation of Labor Code section 2920.

7. **Indemnification and Defense**. Board shall indemnify, defend, and hold Employee harmless from and against all demands, claims, suits, actions, and legal proceedings brought against Employee and arising out of events within the scope of Employee's employment and performance of professional duties as Executive Director, except to the extent that Employee's actions are the result of gross negligence or willful misconduct. Employee shall cooperate in good faith with the Board with respect to defense of such claims, demands, or legal actions.

8. **Abuse of Office.** Any salary provided Employee pending an investigation shall be fully reimbursed if the Employee is convicted of a crime involving an abuse of her office or position, as set forth in Government Code sections 53243 and 53243.4. Any funds for the legal criminal defense of the Employee provided by the Board shall be fully reimbursed to the Board if the Employee is convicted of an abuse of her office or position, as set forth in Government Code sections 53243.1 and 53243.4. Further, regardless of the term of this Agreement, if this Agreement is terminated, any cash settlement or severance related to the termination that the Employee receives from the Board shall be fully reimbursed to the Board if the Employee is convicted of a crime involving an abuse of her office or position, as set forth in Government Code sections 53243.2 and 53243.4.
9. **Severability.** In the event that any term of this Agreement is finally held or determined to be illegal or void by a court having jurisdiction over the Board and Employee, the remainder of this Agreement shall remain in full force and effect unless the term or terms held to be illegal or void are wholly inseparable from the remaining provisions of the Agreement.
10. **Governing Law.** This Agreement shall be governed by the laws of the State of California.
11. **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall constitute an original, and all of which taken together shall constitute one and the same instrument.
12. **Entire Agreement.** This Agreement is the entire agreement between the parties regarding Board's employment of Employee and supersedes all prior oral or written understandings. This Agreement cannot be modified except by a written amendment signed by both Parties.

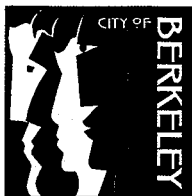
IN WITNESS WHEREOF, the Parties have executed this Agreement which shall be effective upon the commencement date specified in Section 1 herein.

RENT STABILIZATION BOARD OF THE CITY OF BERKELEY

Leah Simon-Weisberg, Chair

EMPLOYEE

DeSeana L. Williams



Rent Stabilization Board
Legal Department

MEMORANDUM

DATE: October 21, 2021

TO: Honorable Members of the Rent Stabilization Board

FROM: Honorable Members of the IRA/AGA/Registration Committee

By: Matthew Siegel, Staff Attorney *MS*

SUBJECT: Proposed Amendment to Regulation 503 – Definition of Principal Residence [Second Reading]

Recommendation:

That the Board adopt an amendment to Regulation 503, eliminating the “sunset” provision in 503(B)(2) as stated in 503(E) and to enact an amendment to Regulation 503 re-inserting 503(B)(2).

The provision in 503(B)(2) allows for the grantor of a revocable living trust to maintain an exemption as a natural person who is owner-occupying a unit when they have named another person as the trustee of the trust but has maintained oversight over the amount of rent charged at the property as well as any decision to evict any tenant from the property. The IRA/AGA/Registration Committee unanimously recommended this change at their July 28, 2021 meeting and the Board adopted the change on first reading at its September 23, 2021 meeting.

Background and Need for Rent Stabilization Board Action:

On September 19, 2019 the Board amended Regulation 503 to allow for a natural person who has granted their property into a revocable living trust to maintain an owner-occupancy exemption of their unit under three distinct criteria. For all three criteria the unit must be owner-occupied by the grantor.

The first criteria for allowing the exemption is when the person claiming residence at the unit is both the grantor and the trustee of the trust. The second criteria is when the grantor has named another person as the trustee of the trust but have maintained oversight over the amount of rent charged at the property as well as any decision to evict any tenant from the property. The final criteria is when the natural person is the sole surviving beneficiary of a revocable living trust for which all grantors/trustees are deceased and the sole surviving beneficiary is residing at the property.

The second criteria that pertains to another person being named the trustee has a sunset provision of September 19, 2020. This provision was extended by the Board via Resolution 20-17 to March 31, 2021. Thus, as of April 1, 2021, section 503(B)(2) was repealed.

The concern of the committee and the Board in adopting this section revolved around the level of control and decision-making that the grantor preserved as it related to any tenant also residing at the property. To alleviate that concern, the sunset provision was enacted and staff was directed to review rent levels and eviction activity going back two years for properties that claimed exemption under 503(B)(2).

Proposed Revisions to Regulation 503

1. Response to Enactment of Regulation

In response to the amendments made to the regulation, staff subsequently identified 128 potential "golden duplexes" that appeared to possibly be owned in trust.¹ Staff also created a Living Trust Declaration for Owner-Occupancy Exemption Form to be filled out by owners whose properties qualified for the exemption under any of the three criteria.

In response, two properties claimed exemption under 503(B)(2). For one of the duplexes, the grantor has named family members as the trustees. The grantor still resides at the property and after being contacted by staff stated that there have been no evictions for at least ten years nor have there been any rent increases the past two years. The grantor further stated that he was actually contemplating lowering the rent for his tenants.

The second claim entailed the grantor creating the trust as a means to protect her identity due to fear of violence from a third person. The claim was supported by a letter from the grantor's attorney and reiterated that the grantor did reside on the property and maintained all the rent-control decisions as it related to the tenant in the second unit. The attorney for the property owner stated that no eviction has taken place in the past two years and the rent on the tenant has been raised \$10.00.

2. Rationale for Amendment

The number of claims under 503(B)(2) is minimal. Of the two claims, neither have had evictions nor any substantial rent increases. The Board's concern in permitting the exemption under 503(B)(2) appear to be allayed.

The two claims under 503(B)(2) illustrate the value of this form of trust structure as there can be various motives for creating a trust where the grantor is different from the trustee. The Board's concern that an absentee trustee would operate the property from a more business-like perspective as opposed to an on-site owner-occupant for which the policy basis of the grant of exemption stems from permitting the landlord greater leeway when they are living in such close proximity to one other household is not supported by the cases we have reviewed. Given the minimal number of claims under this section and the legitimacy for trusts being created in this format, staff recommends amending Regulation 503 to re-enact Section 503(B)(2).

Proposed Regulation 503 is attached hereto. Additions are underlined.

Name and Telephone Number of Contact Person:

Matthew Siegel, Staff Attorney (510) 981-4930
Rent Stabilization Board

¹ A "golden duplex" is a two-unit property where one unit was owner-occupied by at least a 50% owner of record as of December 31, 1979 and where one unit is currently owner-occupied by at least a 50% owner of record (B.M.C. 13.76.050F)

503. Definition of Principal Residence

(A) **Background and Purpose.** Like many of the exemptions listed in Berkeley Municipal Code Section 13.76.050, the exemptions identified in Berkeley Municipal Code Sections 13.76.050F. and 13.76.050G. (Sections 5(f) and 5(g) of the Ordinance) are transitory. A landlord may not claim an exemption pursuant to Sections 5(f) or 5(g) of the Ordinance unless the landlord occupies a unit on the property as his/her principal residence at the time the landlord asserts or claims the exemption.

(B) "Person" limited to "natural person." Only a natural person may claim principal residence in a unit when claiming an exemption under Sections 5(f) or 5(g) of the Ordinance. For purposes of this Regulation, "person" shall mean only a "natural person." A successor in interest is not entitled to the exemptions in either Sections 5(f) or 5(g) of the Ordinance merely because a previous landlord claimed entitlement to one of these exemptions. A bank, corporation, or other business entity may never claim a unit as exempt under Sections 5(f) or 5(g) of the Ordinance as such entities are not natural persons. A natural person who has granted the subject property into a revocable living trust may claim principal residence only as follows:

(1) The person claiming principal residence is both the grantor and the trustee of the revocable living trust, or

(2) The grantor has named another natural person as trustee but has retained oversight over the amount of rent charged at the property and any decision to evict any tenant from the property.

(3) A natural person who is the sole surviving beneficiary of a revocable living trust for which all grantor(s)/trustee(s) are deceased may claim principal residence.

(4) All applicable criteria set forth in Subsections C and D shall apply equally to natural persons claiming principal residence pursuant to a revocable living trust as if they were owners of record. The Board may require appropriate documentation, including but not limited to an affidavit signed under penalty of perjury and/or a Certification of Trust for the purpose of establishing exemption.

(C) Principal residence, as used in Sections 5(f) and 5(g) of the Ordinance, is that dwelling place where the person actually resides a majority of the time. For the purpose of this Ordinance, a person may have only one principal residence.

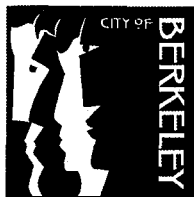
(D) In the determination as to the principal residence status of the dwelling place, the following factors shall be considered:

(1) whether the person carries on basic living activities at the dwelling place;

- (2) whether the person maintains another dwelling and, if so, the amount of time that the person spends at each dwelling place;
- (3) whether the person has filed for and obtained a homeowner's exemption for the dwelling place;
- (4) whether the person is a registered voter at the dwelling place;
- (5) other relevant factors.

~~(E) Sunset Provision. Subsection (B)(2) of this regulation shall remain in effect only until September 19, 2020, and as of that date is repealed, unless a later enacted regulation, which is enacted before September 19, 2020, deletes or extends that date.~~

[Effective Date: 11/26/80; renumbered 04/09/99; added new Sections A and B, and enumerated sub-section identifiers of new Section D (previously A through D) 06/17/13; amended Section B to make clear that properties held in certain types of revocable living trusts will qualify for exemption when applicable criteria is met; sunset provision identified in Section E – 9/1919; Subsection E removed-9/23/2021]



Rent Stabilization Board

M E M O R A N D U M

DATE: October 21, 2021

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Honorable Members of the IRA/AGA/Registration Committee

By: Matt Brown, Acting Executive Director *MB*

SUBJECT: 2022 ANNUAL GENERAL ADJUSTMENT STAFF REPORT

Recommendation

That the Board adopt Resolution 21-27 to publish and publicize that, pursuant to Berkeley Municipal Code section 13.76.110, the annual general adjustment (AGA) of rent ceilings for 2022 is an upward adjustment of **2.1%**. The IRA/AGA/Registration Committee reviewed this report at its October 13, 2021 meeting and recommended that the Board adopt the increase as articulated.

I. Background

Section 11 of the Rent Stabilization Ordinance, codified at Berkeley Municipal Code (B.M.C.) section 13.76.110, provides for an annual general adjustment of rent ceilings for rental units covered by the Ordinance. From 1980 through 2004, Section 11 required the Rent Board to annually enact a general adjustment formula based on a survey of typical changes in apartment operating and maintenance costs. At the November 2004 general municipal election, the voters substantially amended Section 11 of the Ordinance so that now each year's AGA is set as a fixed percentage of the prior fiscal year's increase in the Consumer Price Index.

II. Computing AGA in Accordance with Berkeley Municipal Code Section 13.76.110.A.

As amended, B.M.C. section 13.76.110.A now mandates that, effective January 1st of each year, the rent ceiling for all rental units covered by the Rent Stabilization Ordinance, except those for which the landlord established an initial rent during the prior calendar year, shall be adjusted by 65% of the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region as reported and published by the U.S. Department of Labor,

Bureau of Labor Statistics, for the twelve month period ending the previous June 30. In determining the allowable percentage rent increase, numbers of .04 and below shall be rounded down to the nearest tenth decimal place and numbers of .05 and above shall be rounded up to the nearest tenth decimal place. In no event shall the allowable annual adjustment be less than zero (0%) or greater than seven percent (7%). The Rent Board is required to publish and publicize the annual general adjustment on or about October 31st of each year.

The U.S. Department of Labor, Bureau of Labor Statistics, has reported that for the twelve-month period ending June 30, 2021, the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose region increased from 300.032 to 309.497, an increase of 9.465 points. Thus, the relevant CPI from June 2020 (300.032) to June 2021 (309.497) has increased by 3.2%.¹ (See Attachment 1.) Under Berkeley Municipal Code section 13.76.110.A, the AGA for 2022 is 2.1% (i.e., 65% of 3.2% = 2.08 rounded to the nearest tenth decimal place).

Accordingly, effective January 1, 2022, the 2021 rent ceilings for all controlled rental units, except those for which an initial rent was established between January 1, 2021 and December 31, 2021, shall be increased by 2.1%.

III. Conditions for Taking the Annual General Adjustment

An upward general adjustment in rent ceilings does not automatically provide for a rent increase and a landlord must meet the conditions for qualifying to take the AGA.

Allowable rent increases pursuant to an AGA become effective only after the landlord gives the tenant at least 30 days written notice and the notice period expires. (B.M.C. §13.76.110.B.) Moreover, if the maximum allowable rent specified under the Rent Ordinance is greater than the rent specified for the unit in a rental agreement, the lower rent specified in the rental agreement is the maximum allowable rent until the rental agreement expires. If the maximum allowable rent specified under the Ordinance is less than the rent specified in the rental agreement, the lower rent specified under the Ordinance is the maximum allowable rent. (B.M.C. §13.76.110.C.)

The Rent Ordinance further provides that no rent increase pursuant to an AGA shall be effective if the landlord:

1. Has continued to fail to comply, after order of the Board, with any provisions of the Rent Ordinance and/or Board orders or regulations;
2. Has failed to bring the rental unit into compliance with the implied warranty of habitability;
3. Has failed to make repairs as ordered by the housing department of the City of Berkeley; or
4. Has failed to completely register the rental units as required by B.M.C. §13.76.080.

Each of the conditions for taking an AGA are traditionally incorporated into the text of the AGA order.

¹ While the actual difference is 3.155%, it has been the Board's practice to base the 65% calculation on the CPI percentage increase rounded to the nearest tenth decimal place.

IV. Staff Review

Staff has reviewed the Consumer Price Index figures published by the U.S. Department of Labor, Bureau of Labor Statistics and confirms that, pursuant to Berkeley Municipal Code section 13.76.110.A, the 2022 AGA is an increase of **2.1%**. Staff recommends that the Board adopt a resolution to publish the 2022 AGA as Regulation 1144 and to direct staff to publicize the 2022 AGA in a manner reasonably calculated to notify all affected persons of the terms of the 2022 Annual General Adjustment no later than November 30, 2021.

Attachments

1. U.S. Department of Labor, Consumer Price Index, All Urban Consumers (CPI), San Francisco-Oakland-San Jose, CA., All items, June 2018 - June 2021.
2. Proposed Resolution 21-27 Confirming that the 2022 Annual General Adjustment Increases Rent Ceilings by **2.1%** and Publishing the 2022 AGA as Regulation 1144.
3. Proposed 2022 Annual General Adjustment (AGA) Order – Regulation 1144.



U.S. BUREAU OF LABOR STATISTICS

Databases, Tables & Calculators by Subject

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Data extracted on: October 6, 2021 (11:35:00 AM)

CPI for All Urban Consumers (CPI-U)

Series Id: CUURS49BSAO
 Not Seasonally Adjusted
 Series Title: All items in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted
 Area: San Francisco-Oakland-Hayward, CA
 Item: All items
 Base Period: 1982-84=100

Download: [.xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2018		281.308		283.422		286.062		287.664		289.673		289.896	285.550	282.666	288.435
2019		291.227		294.801		295.259		295.490		298.443		297.007	295.004	293.150	296.859
2020		299.690		298.074		300.032		300.182		301.736		302.948	300.084	299.109	301.059
2021		304.387		309.419		309.497		311.167						306.724	

12-Month Percent Change

Series Id: CUURS49BSAO
 Not Seasonally Adjusted
 Series Title: All items in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted
 Area: San Francisco-Oakland-Hayward, CA
 Item: All items
 Base Period: 1982-84=100

Download: [.xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2018		3.6		3.2		3.9		4.3		4.4		4.5	3.9	3.4	4.3
2019		3.5		4.0		3.2		2.7		3.0		2.5	3.3	3.7	2.9
2020		2.9		1.1		1.6		1.6		1.1		2.0	1.7	2.0	1.4
2021		1.6		3.8		3.2		3.7						2.5	

RESOLUTION 21-27

CONFIRMING THAT THE 2022 ANNUAL GENERAL ADJUSTMENT (AGA) INCREASES RENT CEILINGS BY 2.1 PERCENT AND ORDERING THAT THE 2022 AGA BE PUBLISHED AS REGULATION 1144

BE IT RESOLVED by the Rent Stabilization Board of the City of Berkeley as follows:

WHEREAS, Section 11 of the Rent Stabilization Ordinance, codified as Berkeley Municipal Code section 13.76.110, mandates that effective January 1st of each year, the rent ceiling for all rental units covered by the Ordinance for which the landlord did not establish an initial rent during the prior calendar year shall be adjusted by 65% of the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending the previous June 30; and,

WHEREAS, the U.S. Department of Labor, Bureau of Labor Statistics, has reported that the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region for the twelve-month period ending June 30, 2021, has increased by 3.2 percent from 300.032 to 309.497; and,

WHEREAS, 65 percent of 3.2 percent results in an upward adjustment of 2.1 percent, when rounded as required by Berkeley Municipal Code section 13.76.110; and,

WHEREAS, Berkeley Municipal Code section 13.76.110 mandates that the Rent Board publish and publicize the annual general adjustment on or about October 31st of each year,

NOW, THEREFORE BE IT RESOLVED by the Rent Stabilization Board that the 2022 Annual General Adjustment of 2.1% shall be published as Rent Board Regulation 1144 and that Rent Board staff shall publicize the 2022 Annual General Adjustment in a manner reasonably determined to notify all affected persons of the terms of the 2022 Annual General Adjustment no later than November 30, 2021.

Dated: October 21, 2021

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chairperson
Rent Stabilization Board

Attest:

Matt Brown, Acting Executive Director

1144. ANNUAL GENERAL ADJUSTMENT ORDER FOR 2022

(A) In accordance with Section 11 of the Rent Stabilization and Eviction for Good Cause Ordinance as amended and Board Regulation 1100, the Rent Stabilization Board hereby adjusts the Year 2021 Rent Ceilings (exclusive of temporary increases in rent ceilings) upward by 2.1% for all rental units covered by the Ordinance, except those rental units for which an Initial Rent was established pursuant to the Costa-Hawkins Rental Housing Act on or after January 1, 2021.

The Year 2021 Rent Ceiling is defined as the Base Rent Ceiling established in Section 10 of the Ordinance or, for units where an Initial Rent was established between January 1, 1996 and December 31, 2020, the last Initial Rent established pursuant to the Costa-Hawkins Rental Housing Act, plus any adjustment of the Base Rent Ceiling granted by the Board.

(B) The adjustment granted by this Order shall become effective on January 1, 2022, provided the landlord is otherwise entitled to the adjustment pursuant to the provisions of the Ordinance and this Order. The rent ceiling adjustment granted herein shall not apply to the rent ceiling of any rental unit for which an Initial Rent was established pursuant to the Costa-Hawkins Rental Housing Act on or after January 1, 2021.

(C) Rent Ceilings adjusted pursuant to this Order may not be rounded to the nearest dollar amount.

(D) The upward general adjustment granted in this Order does not automatically provide for a rent increase. Rent increases pursuant to this Order shall become effective only after the landlord gives the tenant(s) at least thirty (30) days' prior written notice of such rent increase and the notice period expires.

Each notice to a tenant of a rent increase pursuant to this Order shall be in the following form and contain the following information:

Thirty-Day Notice of Rent Increase

This notice is provided pursuant to the 2022 Annual General Adjustment (AGA) Order of the Rent Stabilization Board.

Tenant's name: _____

Street address: _____ Unit No. _____

The present rent on your unit is \$ _____ per month.

[The 2022 AGA Order adjusts 2021 rent ceilings by 2.1%]

Your rent will increase by \$ _____ pursuant to the 2022 AGA Order.

Your new rent will be \$ _____ per month beginning _____. (This date must be at least 30 days after service of the Notice of Rent Increase.)

Advice concerning this Notice and the rental history of the unit is available from the Rent Stabilization Board Public Information Unit, 2125 Milvia Street, Berkeley, CA 94704, from 9:00 a.m. to 2:00 p.m., Monday, Tuesday, Thursday and Friday, telephone (510) 981-7368.

Date

Landlord/Manager

(E) Landlords are not required under the Ordinance and/or this Order to increase rents at all or by the full amount of the general adjustment granted in this Order.

(F) If the maximum allowable rent specified under the Ordinance for a rental unit is greater than the rent specified for such unit in the rental agreement, the lower rent specified in the rental agreement shall be the maximum allowable rent until the rental agreement expires. If the maximum allowable rent specified under the ordinance for a rental unit is less than the rent specified for such unit in the rental agreement, the lower rent specified under this chapter shall be the maximum allowable rent.

(G) No rent increase pursuant to this Order shall be effective if the landlord:

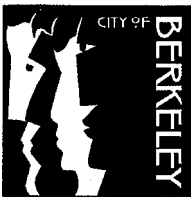
(1) Has failed to register any rental unit on the property in accordance with Section 8 of the Ordinance and/or orders or regulations of the Board, including the requirement to file a vacancy registration form at the beginning of a new tenancy commencing on or after January 1, 1996; or

(2) Demands, accepts, receives or retains any payment in excess of the maximum allowable rent for the unit permitted by the Ordinance; or

(3) Has failed to comply, after order of the Board, with any provisions of the Ordinance and/or orders or regulations of the Board concerning the affected rental unit; or

(4) Has failed to bring the rental unit into compliance with the implied warranty of habitability, as demonstrated by an outstanding Notice of Violation from the City's Housing Code Enforcement and/or failure to comply with a Rent Board Hearing Examiner's Decision.

(H) The amount of this general adjustment for which the landlord shall be eligible shall decrease by ten percent (10%) per month for each month beyond October 1, 2021, for which the landlord fails to register. A landlord who is ineligible to raise rents under this general adjustment due to a violation of one or more of the conditions of subsection (G) shall be able to raise rents under this adjustment in future years upon correction of the condition and substantial compliance with the Ordinance in accordance with Civil Code section 1947.7.



Rent Stabilization Board

MEMORANDUM

DATE: October 21, 2021

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Honorable Members of the IRA/AGA/Registration Committee

By: Matt Brown, Acting Executive Director MB

SUBJECT: 2022 INFLATIONARY ADJUSTMENT OF RELOCATION ASSISTANCE PAYMENTS

Recommendation

That the Board adopt Resolution 21-28 to publish that, pursuant to Berkeley Municipal Code sections 13.76.130.A.9.h (Owner Move-In), and 13.77.055.A.2 (Ellis Act), the relocation assistance payments set forth in sections 13.76.130.A.9.g. (Owner Move-In) and 13.77.055.A (Ellis Act) shall increase by **3.2%** effective January 1, 2022. The IRA/AGA/Registration Committee reviewed this report at its October 13, 2021 meeting and recommended that the Board adopt the increase as articulated.

I. Background

Section 13 of the Rent Stabilization Ordinance, codified at Berkeley Municipal Code (B.M.C.) section 13.76.130.A.9, requires relocation assistance payments by landlords to tenants in the event of an Owner Move-In eviction. Adopted by Berkeley voters in November of 2016, Measure AA amended section 13.76.130.A.9 to both increase the amount of the relocation assistance payments, and to index the payments to inflation. On October 20, 2016, the Berkeley City Council amended the Ellis Act Implementation Ordinance (Chapter 13.77) to require the same relocation assistance payment amounts and the same inflation adjustments.¹

II. Computing Relocation Assistance Payments in Accordance with Berkeley Municipal Code Sections 13.76.130.A.9.h. and 13.77.055.A.2

Beginning in 2018, and effective January 1, 2019, the relocation assistance payment amounts for

¹ While B.M.C. Chapter 13.77 was adopted by Council and is not part of the Rent Ordinance, the Ellis Implementation Ordinance specifically provides that the Board shall publish the yearly inflationary increase in the relocation assistance fee. B.M.C. section 13.77.055A.2.

Owner Move-In evictions may be increased by the percentage increase in the Consumer Price Index – All Urban Consumers in the San Francisco-Oakland-San Jose Region for the 12-month period ending June 30, of the prior year, as published by the United States Department of Labor. Any increase shall be published by the Board on or before October 31st of each year. The same provisions apply to Ellis Act Relocation Assistance Payments, which “shall” annually increase by the same criteria. (B.M.C. 13.77.055.A.2.)

The Board’s long-standing practice in determining the allowable percentage rent increase, is that numbers of .04 and below shall be rounded down to the nearest tenth decimal place and numbers of .05 and above shall be rounded up to the nearest tenth decimal place.

The U.S. Department of Labor, Bureau of Labor Statistics, has reported that for the twelve-month period ending June 30, 2020, the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose region increased from 300.032 to 309.497, an increase of 9.465 points. Thus, the relevant CPI from June 2020 (300.032) to June 2021 (309.497) has increased by 3.2%.² (See Attachment 1.)

The current relocation assistance payment amounts are \$16,341 for standard relocation and an additional \$5,447 for qualifying tenant households. In accordance with the 3.2% increase in CPI, effective January 1, 2022, the relocation assistance payment amounts set forth in section 13.76.130.A.9.g. (Owner Move-In), are increased to **\$16,864** for the standard relocation payment with an additional **\$5,621** for qualifying tenant households following Board action to approve the attached Resolution. Likewise, the relocation assistance payment amounts set forth in section 13.77.055.A (Ellis Act) shall be **\$16,864** for the standard relocation payment with an additional **\$5,621** for qualifying tenant households following Board action to approve the attached Resolution.

III. Staff Review

Staff has reviewed the Consumer Price Index figures published by the U.S. Department of Labor, Bureau of Labor Statistics and confirms that, pursuant to Berkeley Municipal Code sections 13.76.130.A.9.h (Owner Move-In), and 13.77.055.A.2 (Ellis Act), the 2020 relocation payments are subject to an increase of **3.2%** effective January 1, 2022. Staff recommends that the Board adopt a resolution to publish the 2022 Relocation Assistance Payment Amounts no later than October 31, 2021, and to direct staff to advise the interested public regarding these changes.

Attachments

1. U.S. Department of Labor, Consumer Price Index, All Urban Consumers (CPI), San Francisco-Oakland-San Jose, CA., All items, June 2018 - June 2021.
2. Proposed Resolution 21-28 Confirming that the 2021 Relocation Assistance Payments for Owner Move-In and Ellis Act Shall Increase by 3.2 Percent Effective January 1, 2022 and Publishing the 2022 Relocation Payment Amounts.

² While the actual difference is 3.155%, it has been the Board’s practice to base the 65% calculation on the CPI percentage increase rounded to the nearest tenth decimal place.

10/6/21, 8:35 AM

Bureau of Labor Statistics Data



U.S. BUREAU OF LABOR STATISTICS

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Data extracted on: October 6, 2021 (11:35:00 AM)

CPI for All Urban Consumers (CPI-U)

Series Id: CUURS49BSA0

Not Seasonally Adjusted

Series Title: All items in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted

Area: San Francisco-Oakland-Hayward, CA

Item: All items

Base Period: 1982-84=100

Download: [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2018		281.308		283.422		286.062		287.664		289.673		289.896	285.550	282.666	288.435
2019		291.227		294.801		295.259		295.490		298.443		297.007	295.004	293.150	296.859
2020		299.690		298.074		300.032		300.182		301.736		302.948	300.084	299.109	301.059
2021		304.387		309.419		309.497		311.167						306.724	

12-Month Percent Change

Series Id: CUURS49BSA0

Not Seasonally Adjusted

Series Title: All items in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted

Area: San Francisco-Oakland-Hayward, CA

Item: All items

Base Period: 1982-84=100

Download: [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2018		3.6		3.2		3.9		4.3		4.4		4.5	3.9	3.4	4.3
2019		3.5		4.0		3.2		2.7		3.0		2.5	3.3	3.7	2.9
2020		2.9		1.1		1.6		1.6		1.1		2.0	1.7	2.0	1.4
2021		1.6		3.8		3.2		3.7						2.5	

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RESOLUTION 21-28**CONFIRMING THAT THE 2022 RELOCATION ASSISTANCE PAYMENTS FOR OWNER MOVE-IN AND ELLIS ACT EVICTIONS SHALL INCREASE BY 3.2 PERCENT EFFECTIVE JANUARY 1, 2022, AND PUBLISHING THE 2022 RELOCATION PAYMENT AMOUNTS**

BE IT RESOLVED by the Rent Stabilization Board of the City of Berkeley as follows:

WHEREAS, Section 13 of the Rent Stabilization Ordinance, codified as Berkeley Municipal Code section 13.76.130.A.9, provides that effective January 1st of each year, the Relocation Assistance Payments required for Owner Move-In Evictions may be adjusted by the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve month period ending the previous June 30; and,

WHEREAS, the Ellis Act Implementation Ordinance, codified as Berkeley Municipal Code Chapter 13.77, provides that effective January 1st of each year, the Relocation Assistance Payments required for Ellis Act evictions shall be adjusted by the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve month period ending the previous June 30; and,

WHEREAS, the U.S. Department of Labor, Bureau of Labor Statistics, has reported that the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region for the twelve-month period ending June 30, 2021, has increased by 3.2 percent from 300.032 to 309.497; and,

WHEREAS, a 3.2 percent increase in the current Owner Move-In and Ellis Act Relocation Assistance Payment Amounts of \$16,341 and an additional \$5,447 for eligible tenant households yields a 2022 Relocation Assistance Payment amount of \$16,864 and an additional \$5,621 for qualifying tenant households.

WHEREAS, both Berkeley Municipal Code sections 13.76.130.A.9.h (Owner Move-In) and 13.77.055.A.2 (Ellis Act) mandate that the Rent Board publish any change in the Relocation Payment Amounts no later than October 31st of each year,

NOW, THEREFORE BE IT RESOLVED by the Rent Stabilization Board that the 2022 Relocation Assistance Payments required for Owner Move-In evictions and Ellis Act evictions shall be adjusted by 3.2% effective January 1, 2022, and Rent Board staff shall publicize the 2022 Relocation Assistance Payments in a manner reasonably determined to notify all affected persons. A 3.2 percent increase in the current Owner Move-In and Ellis Act Relocation Assistance Payment Amounts of \$16,341 and an additional \$5,447 for eligible tenant households yields a 2022 Relocation Assistance Payment amount of \$16,864 and an additional \$5,621 for qualifying tenant households.

RESOLUTION 21-28

CONFIRMING THAT THE 2022 RELOCATION ASSISTANCE PAYMENTS FOR OWNER MOVE-IN AND ELLIS ACT EVICTIONS SHALL INCREASE BY 3.2 PERCENT EFFECTIVE JANUARY 1, 2022, AND PUBLISHING THE 2022 RELOCATION PAYMENT AMOUNTS (Page 2)

Dated: October 21, 2021

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chairperson
Rent Stabilization Board

Attest: _____
Matt Brown, Acting Executive Director



Rent Stabilization Board

DATE: October 21, 2021

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Matt Brown, Acting Executive Director

By: Matthew Siegel, Staff Attorney *MS*

SUBJECT: Resolution Making Required Findings Pursuant to Government Code and Directing Rent Board to Continue to Meet Via Videoconference and Teleconference

RECOMMENDATION

That the Board adopt a resolution making the required findings pursuant to California Government Code Section 54953(e)(3) and determine, that, as a result of the continued threat to public health and safety posed by the spread of COVID-19, the Board shall continue to meet via videoconference and teleconference and that further, the Board may choose to follow future determinations as made by City Council as it pertains to the continued use of videoconference and teleconference meetings.

BACKGROUND AND NEED FOR BOARD ACTION

On March 3, 2020 the City Manager proclaimed a local emergency due to the global spread of COVID-19 and its effect on Berkeley citizens. On March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency due to the spread of COVID-19. This proclamation was ratified by Berkeley City Council on March 10, 2020.

On March 17, 2020, Governor Newsom signed Executive Order N-29-20 suspending certain provisions of California Government Code Section 54950 et seq. ("Brown Act"). Among other things the Order suspended requirements for in-person legislative meetings and suspended the requirement that each location from which an official accesses a teleconferenced meeting be accessible to the public. The Rent Board has been holding public meetings via video and teleconference pursuant to these provisions since March 2020. The Governor's Executive order expired on September 30, 2021.

On September 16, 2021 Governor Newsom signed into law Assembly Bill 361 (initiated by Assembly Member Rivas) which amended the Brown Act to authorize legislative bodies such as City Councils and the Rent Board, during the state of emergency to determine that, due to the

continued spread of COVID-19, public meetings could still be held via video and teleconference. Assembly Bill 361 requires that legislative bodies review and ratify such a determination every thirty (30) days. On September 28, 2021 City Council adopted Resolution 70,030-N.S. making the required findings pursuant to state law to allow for the continued use of video and teleconferencing of public meetings.

As a separate legislative body the Board should adopt a resolution making findings pursuant to California Government Code Section 54953(e)(3) authorizing the continued use of video and teleconferencing for future Board meetings and agreeing, at its discretion, to follow future City Council determinations as it pertains to the continued use of video and teleconferencing for public meetings.

FISCAL IMPACTS

The Board, like City Council, is currently using Zoom to conduct its meetings. The Board is also using Zoom to conduct Rent Board hearings, mediations and staff meetings. Since the Board is continuing to use Zoom for uses other than Board and Committee meetings, there are no additional financial impacts.

Name and Telephone Number of Contact Person:

Matthew Siegel, Staff Attorney (510) 981-7368

RESOLUTION 21-29

RESOLUTION MAKING THE REQUIRED FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(e)(3) PERMITTING THE BOARD TO CONTINUE TO CONDUCT ITS PUBLIC MEETINGS VIA VIDEOCONFERENCE AND TELECONFERENCE AND FURTHER ALLOWING, AT THE BOARD'S DISCRETION, THE BOARD TO FOLLOW FUTURE DETERMINATIONS AS MADE BY CITY COUNCIL AS IT PERTAINS TO THE CONTINUED AND ONGOING USE OF VIDEOCONFERENCE AND TELECONFERENCE FOR ITS PUBLIC MEETINGS

WHEREAS, the City Manager, on March 3, 2020, proclaimed the existence of a local emergency caused by the epidemic in the form of global spread of COVID-19; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of a State of Emergency with the passage of Resolution 69-312; and

WHEREAS, on March 10, 2020, the City Council ratified the Proclamation of Local Emergency with the passage of Resolution 69-312; and

WHEREAS, on March 17, 2020, Governor Newsom signed Executive Order N-29-20 which suspended the provisions of California Government Code Section 54950 et seq. ("Brown Act") that required that each location from which a public official accesses a teleconferenced meeting be accessible to the public and also suspended the requirements for in-person legislative meetings; and

WHEREAS, Executive Order N-29-20 expired on September 30, 2021; and

WHEREAS, on September 16, 2021, Governor Newsom signed into law Assembly Bill 361, which amended the Brown Act to authorize legislative bodies such as City Councils and the Rent Board, during the state of emergency, to determine that due to the continued spread of COVID-19, public meetings may still be held via video and teleconference; and

WHEREAS, the Board does find that the aforesaid conditions and harm caused by the continued spread of COVID-19 continue to exist, and now include over 4,700 confirmed cases of COVID-19 and at least 55 deaths in the City of Berkeley; and

WHEREAS, as a result of the continued threat to public health posed by the spread of COVID-19, state and local officials continue to impose or recommend measures to promote social distancing, mask wearing and vaccination; and

WHEREAS, holding public meetings in person would present imminent risks to the health and safety of the public and members of the Board, and therefore public meetings cannot be safely held in person at this time; and

RESOLUTION 21-29

RESOLUTION MAKING THE REQUIRED FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(e)(3) PERMITTING THE BOARD TO CONTINUE TO CONDUCT ITS PUBLIC MEETINGS VIA VIDEOCONFERENCE AND TELECONFERENCE AND FURTHER ALLOWING, AT THE BOARD'S DISCRETION, THE BOARD TO FOLLOW FUTURE DETERMINATIONS AS MADE BY CITY COUNCIL AS IT PERTAINS TO THE CONTINUED AND ONGOING USE OF VIDEOCONFERENCE AND TELECONFERENCE FOR ITS PUBLIC MEETINGS
(Page 2)

WHEREAS, AB 361 requires legislative bodies to review the need for the continuing necessity of holding legislative meetings via video and teleconferencing every thirty days; and

WHEREAS, Berkeley City Council will need to again review the need for the continuing necessity of holding legislative meetings via video and teleconferencing every thirty days; and

WHEREAS, the Board, as a separate legislative body may, at its discretion follow the direction of City Council as it pertains to the continued use of video and teleconferencing for future public meetings;

NOW THEREFORE, BE IT RESOLVED by the City of Berkeley Rent Stabilization Board that, pursuant to California Government Code Section 54953, the Board has reviewed the circumstances of the continued state of emergency posed by the spread of COVID-19, and finds that the state of emergency continues to directly impact the ability of the public and members of the Board to meet safely in person, that holding public meetings in person would present imminent risks to the health and safety of attendees, and that state and local officials continue to promote social distancing, mask wearing and vaccination; and

BE IT FURTHER RESOLVED that the Berkeley Rent Stabilization Board shall continue to hold public meetings via videoconference and teleconference; and

BE IT FURTHER RESOLVED that while the Board retains independent discretion to choose to continue to meet via videoconference and teleconference, until further notice the Board will follow the direction of City Council when, pursuant to law, it renews and/or reauthorizes the use of video and teleconferencing for public meetings; and

BE IT FURTHER RESOLVED that the Board shall comply with the requirements of California government Code Section 54953(e)(2) and all applicable laws, regulations and rules when conducting public meetings pursuant to this resolution.

RESOLUTION 21-29

RESOLUTION MAKING THE REQUIRED FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953(e)(3) PERMITTING THE BOARD TO CONTINUE TO CONDUCT ITS PUBLIC MEETINGS VIA VIDEOCONFERENCE AND TELECONFERENCE AND FURTHER ALLOWING, AT THE BOARD'S DISCRETION, THE BOARD TO FOLLOW FUTURE DETERMINATIONS AS MADE BY CITY COUNCIL AS IT PERTAINS TO THE CONTINUED AND ONGOING USE OF VIDEOCONFERENCE AND TELECONFERENCE FOR ITS PUBLIC MEETINGS
(Page 3)

Dated: October 21, 2021

Adopted by the Rent Stabilization Board of the City of Berkeley by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chair
Rent Stabilization Board


Attest: _____
Matt Brown, Acting Executive Director



Rent Stabilization Board

DATE: October 21, 2021

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Matt Brown, Acting Executive Director
 By: Aimee Mueller, Associate Management Analyst/Board Secretary 

SUBJECT: Recommendation to adopt Resolution 21-30 authorizing the Acting Executive Director to modify the contract with QuickCaption, Inc. for remote closed captioning of all televised Board meetings by increasing the contract amount by \$10,000 for fiscal year (FY) 2021-2022

Recommendation:

That the Board adopt Resolution 21-30 authorizing the Acting Executive Director to modify the contract with QuickCaption, Inc. for closed captioning of all televised Board meetings by increasing the contract amount by an additional \$10,000 for FY 2021-2022.

Background and Need for Board Action

The Americans with Disabilities Act (ADA) requires the Rent Board to caption its televised meetings. Accordingly, the Board began captioning its meetings in January 2005. At that time, the Board adopted Resolution 05-01 authorizing the Executive Director “to enter into a contract or otherwise make the necessary arrangements to have televised broadcasts of Board meetings captioned.” In this resolution, the Board also stated that “[s]ubsequent funding for captioning services [was to] be reviewed and approved by the Board.”

In 2005, following review of the results of the City Clerk’s Request for Proposal (RFP) for closed captioning services, the Board entered into a contract with Theresa B. Darrenogue to provide real-time captioning services of all televised Rent Board meetings. Ms. Darrenogue provided excellent captioning services to the Board for nearly eleven years.

On August 1, 2014, following the City Clerk’s RFP for real-time closed captioning services, QuickCaption, Inc. was selected to provide captioning of Berkeley City Council and ZAB meetings. At the time, Rent Board staff had spoken with City staff who work closely with QuickCaption and received very positive reports about QuickCaption staff and the quality of their captioning. In June of 2016, the Board approved a one-year contract in an amount \$7,000. The term of that contract was extended and the initial funding of \$7,000 lasted nearly two years. On June 18, 2018, the Board extended the contract and added funding of \$7,000 which covered

payments for Quick Caption's services until the 2nd quarter of FY 2019-2020. On November 21, 2019, the Board modified the contract by an additional amount of \$10,000. These funds were finally depleted near the end of FY 2020-2021.

On June 17, 2021, the Board approved a new one-year contract for FY 2021-2022 in the amount of \$7,000. This additional funding amount has already been reduced significantly due to several outstanding payments owed to the vendor for services provided during the previous fiscal year. In addition, the charges for captioning services last year were much greater than normal because the Board asked QuickCaption to provide live captioning for several of the Board's informational webinars, in addition to their continued captioning of Board meetings. Staff has since successfully tested and used the closed-captioning feature provided by the Zoom platform and will use this free feature to caption future informational webinars.

Given that the Board will not use QuickCaption's services for the captioning of informational webinars in FY 2021-2022, staff anticipate that this vendor's charges will return to their typical level. The additional \$10,000 requested for this contract should be sufficient to cover QuickCaption's services for captioning Board meetings for the remainder of the current fiscal year.

Staff has always been very pleased with the quality of QuickCaption's services as well as their willingness to work collaboratively with Rent Board and Berkeley Community Media (BCM) staff and recommend that the Board authorize the additional funding for their contract. The authorization of an additional \$10,000 would increase the total contract not-to-exceed amount to \$41,000.

QuickCaption currently charges an hourly rate of \$125.00 for real-time remote closed captioning services of all televised Rent Board meetings broadcast by BCM using City-approved equipment and connectivity. The current hourly rate is significantly less than the Board's rate under the prior captioning contract.

Financial Impact:

There are sufficient funds in the FY 2021-2022 budget to cover the increased contract amount.

Name and Telephone Number of Contact Person:

Matt Brown, Acting Executive Director (510) 981-7368

RESOLUTION 21-30

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH QUICKCAPTION, INC. FOR CAPTIONING SERVICES OF TELEVISED BOARD MEETINGS FOR FISCAL YEAR 2022 BY INCREASING THE CONTRACT BY AN ADDITIONAL AMOUNT NOT TO EXCEED \$10,000

BE IT RESOLVED by the Rent Stabilization Board of the City of Berkeley as follows:

WHEREAS, the Rent Stabilization Board has elected to caption its televised meetings to comply with the Americans with Disabilities Act; and

WHEREAS, QuickCaption, Inc. has provided quality captioning for the City since August 1, 2014, at a rate that is representative of the current rate for real-time captioning services; and

WHEREAS, Board staff, after speaking to several City staff who relayed that they were extremely pleased with QuickCaption, Inc., recommended that the Board enter into a contract for services with QuickCaption, Inc.; and

WHEREAS, on June 20, 2016, through Resolution 16-05, the Board authorized the Executive Director to negotiate a contract for services with QuickCaption, Inc in an amount not to exceed \$7,000; and

WHEREAS, the Board authorized the Executive Director to extend the contract with QuickCaption, Inc. and increase the contract amount on May 7, 2018, through Resolution 18-04, by an additional amount of \$7,000; and

WHEREAS, the Board authorized the Executive Director to increase the contact amount on November 21, 2019, through Resolution 19-24, by an additional amount of \$10,000; and

WHEREAS, the Board authorized the Executive Director to extend the contract with QuickCaption, Inc. and increase the contract amount on June 17, 2021, through Resolution 21-18, by an additional amount of \$7,000; and

RESOLUTION 21-30

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH QUICKCAPTION, INC. FOR CAPTIONING SERVICES OF TELEVISED BOARD MEETINGS FOR FISCAL YEAR 2022 BY INCREASING THE CONTRACT BY AN ADDITIONAL AMOUNT NOT TO EXCEED \$10,000 (Page 2)

WHEREAS, the Board and staff are pleased with the excellent services provided by QuickCaption, Inc. and wish to continue having QuickCaption, Inc. provide captioning services at Board meetings; and

WHEREAS, there were unanticipated increases to captioning costs in fiscal year 2021/21 due to the need for captioning of Rent Board informational webinars; and

WHEREAS, the cost of captioning a televised Board meeting will generally range from \$300 to \$600 depending on the length of the meeting; and

WHEREAS, sufficient funds are available in the fiscal year 2021/22 budget to cover the cost of captioning the Board's televised meetings.

NOW, THEREFORE, BE IT RESOLVED that the Berkeley Rent Stabilization Board authorizes the Executive Director to modify the contract for captioning services to be provided by QuickCaption, Inc., by increasing the contract by an additional amount not to exceed \$10,000. The total amount payable under this contract shall not exceed \$41,000.

RESOLUTION 21-30

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH QUICKCAPTION, INC. FOR CAPTIONING SERVICES OF TELEVISED BOARD MEETINGS FOR FISCAL YEAR 2022 BY INCREASING THE CONTRACT BY AN ADDITIONAL AMOUNT NOT TO EXCEED \$10,000 (Page 3)

Dated: October 21, 2021

Adopted by the Rent Stabilization Board of the City of Berkeley by the following vote:

YES:

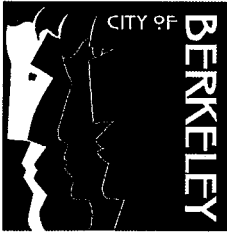
NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____
Matt Brown, Acting Executive Director



Rent Stabilization Board

DATE: October 21, 2021
TO: Honorable Members of the Berkeley Rent Stabilization Board
FROM: Matthew Siegel, Staff Attorney *MS*
SUBJECT: Alameda County Superior Court Extended Stay on Unlawful Detainers

On September 30, 2021 the Alameda County Superior Court released the attached press release and accompanying amended emergency Local Court Rule 1.8a.

The amended rule makes clear that Unlawful Detainer Complaints (eviction lawsuits) will only be accepted if the lawsuit is permitted by local ordinance. The rule makes clear that any Unlawful Detainer filed with the court must include a declaration that the eviction pertains to the health and safety of residents or is otherwise allowed under any local or County Ordinance. Attached for information is the Press Release and Local Rule 1.8a.

Name and Telephone Number of Contact Person:

Matthew Siegel, Staff Attorney (510) 981-7368

Superior Court of California
COUNTY OF ALAMEDA



Tara M. Desautels, Presiding Judge

Charles Smiley, Assistant Presiding Judge

Chad Finke, Executive Officer

René C. Davidson Courthouse

1225 Fallon Street

Oakland, California 94612



@AlamedaSuperior

www.alameda.courts.ca.gov

**For more information about this news
release, please contact:**

Executive Office

pcomments@alameda.courts.ca.gov

510-891-6012

FOR IMMEDIATE RELEASE

Thursday, September 30, 2021

OAKLAND, CALIFORNIA: Superior Court of Alameda County extends unlawful detainer stay and adopts emergency Local Rule amendment.

The Superior Court of Alameda County (Court) announced today that it has further extended the stay on execution of writs of possession to coincide with the lifting of Alameda County's eviction moratorium, which occur sixty days following the expiration of the Local Health Emergency in Alameda County. The County's moratorium is set forth in Alameda County Ordinance O-2020-41, adopted August 4, 2020. To effectuate the extension, the Court adopted amendments to emergency Local Rule 1.8a.

For more information about the Court, please check our website and follow @AlamedaSuperior on Twitter.

Local Rules of the Superior Court of California, County of Alameda

Title 1. General and Administrative Rules

Chapter 1. General and Administrative Rules

Rule 1.8a. Emergency rule for filings and hearings during COVID-19 crisis

(a) Scope of rule

This rule governs the filing of papers and the conduct of hearings in Civil, Family, Probate, and Mental Health matters during the COVID-19 crisis, and is effective notwithstanding any other provisions of these Local Rules. During the COVID-19 crisis, the Court will continue to process papers and conduct hearings as provided for in this rule, and as technology and resource constraints allow. The Court will further amend this rule as needed to address changing circumstances.

(b) Advisement re confirmation of hearing dates

Parties are advised to check the Court's Domain case management system to confirm hearing dates.

(c) Papers that may be filed in person, by fax, mail, or drop box filing

The Court will accept all filings in person or by mail, drop box, or fax filing pursuant to Local Rule 1.8, except as provided in subsection (e), below.

The following locations are available for drop box filing from 2:30 p.m. to 4:00 p.m. by case type:

- Hayward Hall of Justice: Civil and Family filings only
- Rene C. Davidson Courthouse: Civil and Mental Health-related filings only
- Berkeley Courthouse: Probate filings only
- George E. McDonald Hall of Justice: Requests for copies of, or research re, court records

(d) Fax filing fees and processing times

During the COVID-19 crisis, the Court will not offer premium fax filing service. All papers filed by fax filing will be subject to the non-premium fax filing surcharge.

Parties with a fee waiver will not be charged a fax filing surcharge during the COVID-19 crisis. Court users may request a fee waiver via mail, drop box, or fax filing.

Papers received before 3:00 p.m. will be processed within three business days.

Local Rules of the Superior Court of California, County of Alameda

(e) Papers that must be filed in person or by mail or drop box

The following papers must be filed in person, by mail, or drop box at the indicated court location:

- Probate letters with associated bonds and original wills and codicils may only be filed in person from 8:30 a.m. to 2:30 p.m. or by mail or drop box (from 2:30 p.m. to 4:00 p.m.) at the Berkeley Courthouse.

(f) Case processing

(1) Processing of papers generally

As of the effective date of this rule, all papers will be file-stamped with the date on which they were received. However, due to the significant backlog caused by the COVID-19 crisis and limitations on Court resources, the processing of papers may be delayed. Parties and counsel should check the Domain case management system regularly to determine whether filed papers have yet been processed.

(2) Processing of appeals

Beginning Monday, June 15, 2020, any papers relating to appeals received by mail, fax filing, or e-filing between March 17, 2020, and March 31, 2020, will be processed and file-stamped with the date of June 15, 2020. Papers pertaining to appeals received by mail, fax filing, or e-filing on or after April 1, 2020, will be processed and file-stamped on a rolling basis thereafter as resources permit.

(3) Processing of unlawful detainers

(A) Complaints

The Court will accept new unlawful detainer complaints for filing only where the complaint alleges that the action is not prohibited by a local ordinance.

Any such complaint must be accompanied by the following:

- (i) A declaration under oath stating specific facts showing the health and safety related necessity or other exception;
- (ii) A proposed order permitting the filing on the basis of such necessity or other exception; and
- (iii) All available contact information for all parties and counsel, including valid email addresses.

All filings will be accepted as stated in subsection (c).

Upon receipt, the Court will review the complaint, declaration, and proposed order on an ex parte basis. The Court may in its discretion hold

Local Rules of the Superior Court of California, County of Alameda

a hearing or request that defendant respond before issuing a summons on a proposed complaint.

If the Court, in its discretion, finds that the action is not prohibited by a local ordinance, the Court will issue a summons, and plaintiff may then serve a copy of the summons and complaint. The action may not be served or otherwise proceed until the Court issues a summons on a proposed complaint.

Failure to comply with this subdivision may be the basis for an order imposing monetary or other sanctions as provided by law.

(B) Requests for entry of default or default judgment

The Court will accept for filing requests for entry of default or default judgment in an unlawful detainer action only where (i) the plaintiff demonstrates that the action is not prohibited by a local ordinance, and (ii) the defendant has not appeared in the action within the time provided by law, including by any applicable executive order.

Any such request for entry of default or default judgment must be accompanied by the following:

- (i) A declaration under oath stating specific facts showing the health and safety related necessity or other exception;
- (ii) A proposed order permitting the filing on the basis of such necessity or other exception; and
- (iii) All available contact information for all parties and counsel, including valid email addresses.

Upon receipt of a request for entry of default or default judgment, the Court may in its discretion hold a hearing upon notice to all parties.

(C) Requests for temporary stay of eviction

Parties may file requests for temporary stay of eviction for any judgment entered on or after July 13, 2020. In order to ensure timely consideration, any party seeking a temporary stay of eviction may send a courtesy copy of the request by email to Department 511 (dept511@alameda.courts.ca.gov) and notify the clerk's office by telephone at the time of filing.

(D) Law and motion

Effective August 17, 2020, the Court will accept reservation requests for new motions as stated in subsection (h)(2), and ex parte requests as stated in subsection (h)(3), below. Parties may file pleadings or other documents in any pending case. The Court will set pending motions for

Local Rules of the Superior Court of California, County of Alameda

remote hearings or continue the hearing date on a case-by-case basis. The Court will notify the parties whether the motion is set for remote hearing or has been continued. The Court will enter judgment in an unlawful detainer action that will result in eviction only where it is established that the action is subject to any exception to any moratoria in the Alameda County Ordinance Code or applicable local ordinance.

(E) **Mandatory Settlement Conferences and requests to set for trial**

The Court will conduct all Mandatory Settlement Conferences (MSCs) remotely. Parties may request an MSC by stipulation or ex parte application. The Court may continue any MSC, court trial, or jury trial. The Court will accept for filing Requests and Counter-Requests to Set for Trial in all pending cases.

(F) **Stay on writs of possession**

Execution of any writ of possession for real property issued before July 13, 2020, is hereby stayed up to and through the end date of the eviction moratorium set forth in Alameda County Ordinance No. O-2020-41 ~~September 30, 2024~~, and no payment of undertaking for this period shall be owed by any defendant, consistent with the Court's exercise of discretion under Code of Civil Procedure 918.

(g) **Return of file-endorsed copies of papers filed by mail or drop box**

Filers may obtain file-endorsed copies of papers that are filed by mail or drop box in the following ways:

- Processed papers will be returned by mail to all filers who include a postage-paid, self-addressed envelope with their filings.
- Where permitted under rule 2.503 of the California Rules of Court, processed papers will be available online through the Court's DomainWeb portal at <https://publicrecords.alameda.courts.ca.gov/prs>.
- Otherwise, filers may return to the courthouse at which the papers were filed to pick up file-endorsed copies in person.

(h) **Reservation requests**

Until such time as this rule is further amended or repealed, the Court will only accept reservation requests as specified herein.

(1) **Reservation requests prior to March 17, 2020**

If a reservation was made for a motion and the reservation date fell within the public closure period and has already passed as of May 4, 2020, the requesting party should email the department clerk and request a new reservation number.

Local Rules of the Superior Court of California, County of Alameda

(2) Reservation requests after March 17, 2020

The Court will accept reservation requests for new motions, except in unlawful detainer cases, unless the filing falls within the exception outlined in subsection (f)(3) above. Such requests must be made by contacting the clerk in the department to which the case is assigned.

(3) Ex parte requests

Reservation numbers are not required for ex parte requests. No hearing date should be specified on such requests, which will be forwarded to the assigned judge for review and setting.

(i) Hearings on motions where tentative rulings are contested

The Court will conduct as many hearings as possible within the limitations of available technology and Court resources. Except as provided in emergency Local Rule 3.29, all hearings will be conducted remotely only, by video or audio conference. No in-person appearances will be permitted. The Court will contact parties or counsel with details on how to connect to the remote hearing.

(j) Email address required

Each pleading submitted for filing must include, with the required contact information at the top of the first page, a current email address for the attorney or self-represented party on whose behalf the pleading is submitted. Each form submitted for filing must also include a current email address for the attorney or self-represented party on whose behalf the form is submitted, regardless of any "optional" reference that may be printed on the form.

Rule 1.8a amended effective September 30 ~~June 24, 2021~~; previously amended effective June 24, February 8 and January 1, 2021, and November 9, August 14, July 10, June 16, June 12, May 18, May 7, April 29, 24, 22 and 13, 2020; adopted effective April 10, 2020.

**FAIR CHANCE ACCESS TO HOUSING
MATERIALS**

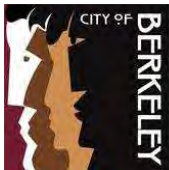
- 1. Initial Letter to Rental Property Owners (p. 2)**
- 2. Notice to Rental Applicants and Tenants (p. 5)**
- 3. Notice to Rental Property Owners (p. 10)**
- 4. Administrative Regulation 1.18 re: Complaints and Hearing Procedure (p. 15)**
- 5. Complaint Form (p. 21)**
- 6. Answer Form (p. 28)**
- 7. Annual Certification Form for Affordable Housing Providers (p. 35)**

Forthcoming:

- FAQs**
- Just Cities brochure.**

1. Initial Letter to Rental Property Owners

Mailed out in October 2020



City of Berkeley
2180 Milvia Street, Berkeley, CA 94704

NOTICE TO RENTAL PROPERTY OWNERS:

BERKELEY LAWS PROHIBIT USE OF CRIMINAL HISTORY AND/OR CRIMINAL BACKGROUND CHECKS IN TENANT SELECTION PROCESS AND DISCRIMINATION BASED ON SOURCE OF INCOME

ATTENTION: On March 10, 2020, Berkeley City Council passed the “Fair Chance Access to Housing Ordinance” (Ordinance No. 7,692-N.S.). The Ordinance makes it unlawful for Berkeley landlords to consider criminal history in tenant screening for rental housing.

Please visit www.cityofberkeley.info/fairchance.aspx to obtain a copy of the Fair Chance Access to Housing Ordinance and required materials for applicants and tenants.

REMINDER: On July 25, 2017, Berkeley City Council added language to BMC 13.31 (Discrimination in Property Rental) to prohibit discrimination based on source of income.

PLEASE BE ADVISED THAT IT IS UNLAWFUL TO DO ANY OF THE FOLLOWING WITH REGARD TO CURRENT OR PROSPECTIVE TENANTS:

- Inquire about criminal history
- Indicate that persons with criminal backgrounds will not be considered for housing, including in rental advertisements, application materials, or verbally
- Refuse to rent or terminate a tenancy based on criminal history
- Require disclosure or authorization for release of criminal history
- Demand higher security deposit or rental amount based on criminal history
- Refuse to allow the addition of an immediate family member based on the family member’s criminal history
- Disqualify tenants from rental assistance programs such as Section 8 based on criminal history (subject to certain exceptions below)
- Take any other negative action against applicants/tenants based on criminal history
- Refuse to rent to someone based on their source of income - this includes income in the form of a housing voucher such as Section 8 or Shelter Plus Care.

INFORMATION ON FAIR CHANCE HOUSING ORDINANCE

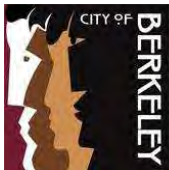
All housing application materials must include an official *Notice to Applicants/Tenants regarding their rights*. The notice should be prominently included in any application material, websites, and any other location frequently visited by housing applicants. An official Notice will be available on the City’s Fair Chance webpage.

To request a copy of this information in Chinese/Spanish, please visit: www.cityofberkeley.info/fairchance.aspx

如果您想要求此文件的中文版本,請聯絡: www.cityofberkeley.info/fairchance.aspx

Si desea solicitar una copia de esta información en español, póngase en contacto con:

www.cityofberkeley.info/fairchance.aspx



City of Berkeley
2180 Milvia Street, Berkeley, CA 94704

Please Note: Landlords considering taking adverse action (such as refusing to rent to an applicant) as a result of criminal history are required to provide applicants/tenants with notice and an opportunity to respond.

Landlords considering taking any adverse action against an applicant/tenant based on criminal history (such as refusing to rent to the tenant or refusing to add a tenant's family member) are now required to provide the applicant/tenant with written notice and an opportunity to respond before any final decision is made. This is due to the fact that criminal background checks and reporting services frequently provide inaccurate or incomplete information.

Written notice must include:

- The reasons for denial or other action
- Instructions on how to file a complaint with the City
- A list of local legal services
- A copy of the criminal history report, background check, or other information received that is the basis of the decision

Applicant/tenant must be given opportunity to:

- Respond to the information
- Present any rebutting or mitigating information, such as evidence that the information is incorrect, was remedied, or otherwise should not be used to deny the applicant housing

LANDLORDS FOUND TO BE IN VIOLATION OF THE ORDINANCE ARE SUBJECT TO CIVIL AND CRIMINAL PENALTIES

Any landlord found to be in violation of the Ordinance shall be subject to administrative fines of at least \$1,000 and up to \$10,000 per violation, civil damages including three times the greater of actual damages or one month's rent, punitive damages, attorneys fees and costs, and injunctive relief. Any housing provider who knowingly and willfully violates the Ordinance shall also be guilty of a criminal misdemeanor.

You may consult with an attorney for more information. A copy of the Ordinance, resources for Property Owners and Tenants and more information is available on the City of Berkeley's Fair Chance for Housing webpage: www.cityofberkeley.info/fairchance.aspx.

To request a copy of this information in Chinese/Spanish, please visit: www.cityofberkeley.info/fairchance.aspx

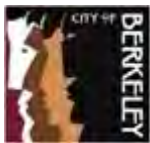
如果您想要求此文件的中文版本,請聯絡: www.cityofberkeley.info/fairchance.aspx

Si desea solicitar una copia de esta información en español, póngase en contacto con:

www.cityofberkeley.info/fairchance.aspx

2. Notice to Rental Applicants and Tenants

Required to be included in rental application materials and prominently displayed on websites, and at any housing provider locations that are frequently visited by applicants.



Berkeley Rent Stabilization Board
 2125 Milvia Street, Berkeley, CA 94704
 510-981-7368
 rent@cityofberkeley.info

NOTICE TO RENTAL APPLICANTS AND TENANTS

FAIR CHANCE ACCESS TO HOUSING

BERKELEY LAW PROHIBITS RENTAL DISCRIMINATION BASED ON CRIMINAL HISTORY

On March 10, 2020, Berkeley City Council passed the Ronald V. Dellums Fair Chance Access to Housing Ordinance. (B.M.C. 13.106; [Ordinance No. 7,692-N.S.](#)). This notice provides information on the Fair Chance Ordinance regarding 1) the rights of tenants and tenant applicants and the requirements of Housing Providers; 2) instructions for submitting a complaint to the City; 3) other types of enforcement actions; and 4) community resources.

WHAT ARE THE RESTRICTIONS AND REQUIREMENTS OF THE FAIR CHANCE HOUSING ORDINANCE?

Protections/Prohibitions (B.M.C. 13.106.040A, 13.106.050A)

Housing Providers are prohibited (with some exceptions and exemptions - see below) from:

- Inquiring about Criminal History
- Requiring disclosure of or authorization to release their Criminal History
- Basing an “Adverse Action” (defined below) on Criminal History
- Indicating that persons with criminal backgrounds will not be considered for housing, including in rental advertisements, application materials, or orally

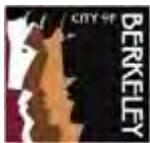
What qualifies as an Adverse Action (B.M.C. 13.106.030A)

If a Housing Provider takes any of the following actions based on the Criminal or Conviction History of the Applicant or Tenant or Close Family Member:

- Failing or refusing to rent
- Terminating a tenancy
- Reducing a housing subsidy
- Treating an Applicant or tenant differently (e.g. requiring a higher security deposit)
- Disqualifying someone from a rental assistance program (e.g. section 8)
- Failing to allow a close family member (spouse, registered domestic partner, child, sibling, parent, grandparent, grandchild) with a criminal or conviction history to occupy rental unit while tenant lives there

Exceptions (B.M.C. 13.106.040B, C)

- Subsidized housing. If state or federal laws require a Housing Provider to exclude tenants with certain types of Criminal History (e.g. violent sex crimes, meth production in some subsidized housing), a Housing Provider must:
 - Inform an Applicant that they will check for certain types of Criminal History and



Berkeley Rent Stabilization Board

2125 Milvia Street, Berkeley, CA 94704

510-981-7368

rent@cityofberkeley.info

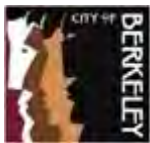
- Either obtain an Applicant's written consent, or allow the Applicant to withdraw the application.
- Lifetime sex offenders. Housing providers may review the State of California Department of Justice's Megan's Law website registry of lifetime sex offenders in order to protect a "person at risk" (Cal. Pen. Code § 290.46(j)(1)). Prior to doing so, the Housing Provider must:
 - Include a statement in the rental application informing Applicants of the sex offender screening requirement;
 - Have already determined that an Applicant meets all other rental criteria;
 - Provided the Applicant with a conditional rental agreement;
 - Informed the Applicant in advance of checking the sex offender registry; and
 - Either obtain written consent from the Applicant or give the Applicant an opportunity to withdraw their application prior to conducting a search.

Exemptions (B.M.C. 13.106.030K)

- Owner-occupied properties with 1-3 units total on property
- Units under a rental agreement allowing owners to move back to their home in accordance with B.M.C. 13.76.130 A.10
- Units occupied by existing tenant(s) seeking to sublet or add/replace roommates

Requirements for Housing Providers

- Displaying this notice. Housing Providers must prominently display this notice (English, Spanish, Chinese) in application materials, on websites, and at rental/leasing offices. (B.M.C. 13.106.050.)
- Written notice and opportunity to respond. If a Housing Provider takes "Adverse Action" (defined on page 1) based on Criminal History, the Housing Provider must provide the Applicant/tenant a written notice and an opportunity to respond. (B.M.C. 13.106.040E.)
 - The written notice must include:
 - The reason(s) for the Adverse Action,
 - Instructions on how to file a complaint with the City of Berkeley (affordable Housing Providers must also include filing deadlines),
 - A list of local services providers with contact information, and
 - A copy of the Criminal History report, background check, or other information received that is the basis of the decision.
 - The Applicant/tenant must be given the opportunity to:
 - Respond prior to the Adverse Action being taken and
 - Present any rebutting or mitigating information, such as evidence that the information is incorrect, was remedied, or otherwise should not be used as a basis for the Adverse Action.
- Affordable Housing Providers must submit an annual certificate of compliance with the City of Berkeley. (B.M.C. 13.106.050.)
- Housing Providers shall keep, for at least three years, any record of Criminal History obtained, and keep confidential to the maximum extent permitted by law, (B.M.C. 13.106.070.)

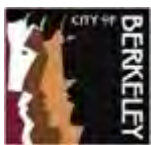


Berkeley Rent Stabilization Board
 2125 Milvia Street, Berkeley, CA 94704
 510-981-7368
 rent@cityofberkeley.info

**HOW CAN I SUBMIT A COMPLAINT TO THE CITY
 ABOUT A POSSIBLE VIOLATION OF THE FAIR CHANCE HOUSING ORDINANCE?**

Administrative Complaints to the (B.M.C. 13.106.90, A.R. 1.18)

- Complaints.
 - The City of Berkeley has designated the Berkeley Rent Stabilization Board to hear and decide complaints from tenants and tenant applicants (“Applicants”) who believe they have been discriminated against in violation of the Ordinance. A close family member (spouse, registered domestic partner, child, sibling, parent, grandparent, or grandchild) can submit a complaint on behalf of the Applicant.
 - Complaints are only heard with respect to Adverse Actions, and not other violations of the Ordinance. (See list of Adverse Actions on page 1.)
 - A complaint must be filed no more than one year from when the Applicant submitted a rental application to the Housing Provider or the date of the alleged discriminatory conduct, whichever is earlier.
 - The City’s complaint form must be used and include a copy of any supporting documents.
 - The complaint will be initially reviewed for sufficiency in alleging facts showing that there was a violation of the Ordinance. If the complaint is accepted, the Housing Provider will be notified and have the opportunity to file an answer to the complaint and participate in the hearing.
- Hearings.
 - A hearing will be scheduled within 90 calendar days from the date an acceptable complaint was submitted.
 - At the hearing, parties will be able to testify, present witnesses, have documents included in the record, and cross-examine the opposing party and their witnesses.
 - A party has the right to have an advocate of their choosing represent them at the hearing, and an interpreter if necessary and reasonably available.
- Decisions.
 - After the hearing, a written decision will be promptly mailed to all the parties. The decision will contain a determination of whether there were any Adverse Actions taken in violation of the Ordinance.
 - If any violations are found, an administrative citation (monetary penalty) will be imposed on the Housing Provider.
- Appeals.
 - If a party disagrees with the hearing officer’s determination, the party may file an appeal in court under California Code of Civil Procedure Section 1094.6 within 90 days of the final decision.
 - Before a decision is considered final, the Housing Provider is allowed to appeal the amount of the monetary fine with the City.



Berkeley Rent Stabilization Board
2125 Milvia Street, Berkeley, CA 94704
510-981-7368
rent@cityofberkeley.info

BESIDES FILING A COMPLAINT TO THE CITY, WHAT OTHER ACTIONS CAN BE TAKEN TO ENFORCE THE FAIR CHANCE HOUSING ORDINANCE?

Possible Violations that are not Adverse Actions

- Individuals may report possible violations that are not Adverse Actions (e.g. advertising that Providers will not rent to someone with a Criminal History) to the Berkeley Rent Stabilization Board’s Public Information Unit.

City Attorney Actions (B.M.C. 13.106.100B, E, F)

- The City Attorney’s Office can bring an action on behalf of the City and seek injunctive relief and civil penalties against the Housing Provider. The decision to do this is solely within the discretion of the City Attorney’s Office.
- Housing Providers shall be subject to civil penalties of at least \$1,000 and up to \$10,000 for each violation.

Private Right of Action (13.106.100C, D, F)

- Individuals can sue in court for injunctive relief, actual damages or statutory damages up to three times the amount of one month’s rent, punitive damages, and attorney’s fees.

WHAT COMMUNITY RESOURCES ARE AVAILABLE TO ASSIST APPLICANTS AND TENANTS REGARDING AN ALLEGED VIOLATION OF THE FAIR CHANCE HOUSING ORDINANCE?

Counseling services, including with respect to the administrative complaint process

Berkeley Rent Stabilization Board

Public Information Unit

2125 Milvia Street, Berkeley, CA 94704

510-981-7368

rent@cityofberkeley.info

Limited scope advice for low-income tenants/tenant applicants

East Bay Community Law Center

Clean Slate Unit

1950 University Avenue, Suite 200, Berkeley, CA 94704

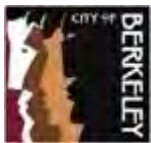
510-548-4040 (Select Clean Slate – menu option 5)

Outreach and community education

Just Cities

fairchance@justcities.work

3. Notice to Rental Property Owners



Berkeley Rent Stabilization Board
 2125 Milvia Street, Berkeley, CA 94704
 510-981-7368
 rent@cityofberkeley.info

NOTICE TO RENTAL PROPERTY OWNERS

FAIR CHANCE ACCESS TO HOUSING

BERKELEY LAW PROHIBITS RENTAL DISCRIMINATION BASED ON CRIMINAL HISTORY

On March 10, 2020, Berkeley City Council passed the Ronald V. Dellums Fair Chance Access to Housing Ordinance. (B.M.C. 13.106; [Ordinance No. 7,692-N.S.](#)). This notice provides information on the Fair Chance Ordinance regarding 1) the rights of tenants and tenant applicants and the requirements of Housing Providers; 2) types of enforcement actions; and 3) community resources.

WHAT ARE THE RESTRICTIONS AND REQUIREMENTS OF THE FAIR CHANCE HOUSING ORDINANCE?

Protections/Prohibitions (B.M.C. 13.106.040A, 13.106.050A)

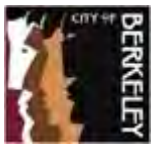
Housing Providers are prohibited (with some exceptions and exemptions - see below) from:

- Inquiring about Criminal History
- Requiring disclosure of or authorization to release their Criminal History
- Basing an “Adverse Action” (defined below) on Criminal History
- Indicating that persons with criminal backgrounds will not be considered for housing, including in rental advertisements, application materials, or orally

What qualifies as an Adverse Action (B.M.C. 13.106.030A)

If a Housing Provider takes any of the following actions based on the Criminal or Conviction History of the Applicant or Tenant or Close Family member:

- Failing or refusing to rent
- Terminating a tenancy
- Reducing a housing subsidy
- Treating an Applicant or tenant differently (e.g. requiring a higher security deposit)
- Disqualifying someone from a rental assistance program (e.g. section 8)
- Failing to allow a close family member (spouse, registered domestic partner, child, sibling, parent, grandparent, grandchild) with a criminal or conviction history to occupy rental unit while tenant lives there



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 510-981-7368
 rent@cityofberkeley.info

Exceptions (B.M.C. 13.106.040B, C)

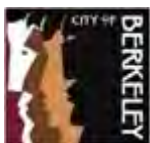
- Subsidized housing. If state or federal laws require a Housing Provider to exclude tenants with certain types of Criminal History (e.g. violent sex crimes, meth production in some subsidized housing), a Housing Provider must:
 - Inform an Applicant that they will check for certain types of Criminal History and
 - Either obtain an Applicant's written consent, or allow the Applicant to withdraw the application.
- Lifetime sex offenders. Housing providers may review the State of California Dept. of Justice's Megan's Law website registry of lifetime sex offenders in order to protect a "person at risk" (Cal. Pen. Code § 290.46(j)(1)). Before doing so, the Housing Provider must:
 - Include a statement in the rental application informing Applicants of the sex offender screening requirement;
 - Have already determined that an Applicant meets all other rental criteria;
 - Provided the Applicant with a conditional rental agreement;
 - Informed the Applicant in advance of checking the sex offender registry; and
 - Either obtain written consent from the Applicant or give the Applicant an opportunity to withdraw their application prior to conducting a search.

Exemptions (B.M.C. 13.106.030K)

- Owner-occupied properties with 1-3 units total on property
- Units under a rental agreement allowing owners to move back to their home in accordance with B.M.C. 13.76.130 A.10
- Units occupied by existing tenant(s) seeking to sublet or add/replace roommates

Requirements for Housing Providers

- Displaying the Notice to Applicants and Tenants. Housing Providers must prominently display the "Notice to Applicants and Tenants" provided by the City of Berkeley (English, Spanish, and Chinese) in application materials, on websites, and at rental/leasing offices. (B.M.C. 13.106.050.)
- Written notice and opportunity to respond. If a Housing Provider intends on taking "Adverse Action" (defined on page 1) based on Criminal History, the Housing Provider must provide the Applicant/tenant a written notice and an opportunity to respond. (B.M.C. 13.106.040E.)
 - The written notice must include:
 - The reason(s) for the Adverse Action,
 - Instructions on how to file a complaint with the City of Berkeley (affordable Housing Providers must also include filing deadlines),
 - A list of local services providers with contact information, and
 - A copy of the Criminal History report, background check, or other information received that is the basis of the decision.
 - The Applicant/tenant must be given the opportunity to:
 - Respond prior to the Adverse Action being taken and



Berkeley Rent Stabilization Board
 2125 Milvia Street, Berkeley, CA 94704
 510-981-7368
 rent@cityofberkeley.info

- Present any rebutting or mitigating information, such as evidence that the information is incorrect, was remedied, or otherwise should not be used as a basis for the Adverse Action.
- Affordable Housing Providers must submit an annual certificate of compliance with the City of Berkeley. (B.M.C. 13.106.050.)
- Housing Providers shall keep, for at least three years, any record of Criminal History obtained, and keep confidential to the maximum extent permitted by law, (B.M.C. 13.106.070.)

ENFORCEMENT OF THE FAIR CHANCE HOUSING ORDINANCE

Administrative Complaints (B.M.C. 13.106.90)

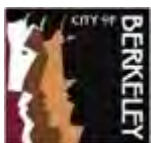
- The City of Berkeley has designated the Berkeley Rent Stabilization Board to hear and decide complaints from tenants and tenant applicants who believe they have been discriminated against in violation of the Ordinance.
- Only Adverse Actions (defined in page 1 above) are adjudicated in these types of proceedings.
- Housing Providers may file an answer to the complaint and participate in the hearing process.
- If any violations are found by the Hearing Officer, an administrative citation (monetary penalty) will be imposed on the Housing Provider.
- More information on the hearing and appeal process is provided in the instructions to the answer form provided by the City.

City Attorney Actions (B.M.C. 13.106.100B, E, F)

- The City Attorney's Office can bring an action on behalf of the City and seek injunctive relief and civil penalties against the Housing Provider. The decision to do this is solely within the discretion of the City Attorney's Office.
- Housing Providers shall be subject to civil penalties of at least \$1,000 and up to \$10,000 for each violation.

Private Right of Action (13.106.100C, D, F)

- Individuals can sue in court for injunctive relief, actual damages or statutory damages up to three times the amount of one month's rent, punitive damages, and attorney's fees.



Berkeley Rent Stabilization Board
2125 Milvia Street, Berkeley, CA 94704
510-981-7368
rent@cityofberkeley.info

LOCAL RESOURCES FOR RENTAL PROPERTY OWNERS

Berkeley Property Owners Association

2041 Bancroft Way, Suite 203, Berkeley, CA 94704
Phone: 510-525-3666
bpoa@bpoa.org

Alameda County Bar Association

Legal Access Alameda
1000 Broadway, Suite 290, Oakland, CA 94607
Phone: 510-302-2222. Option 4
amarilis@acbanet.org
Low-income Landlord Eviction Assistance clinic is offered weekly by appointment

East Bay Rental Housing Association

3664 Grand Ave, Suite B, Oakland, CA 94610
Phone: 510-893-9873
news@ebrha.com

Berkeley Rent Stabilization Board

Public Information Unit

2125 Milvia Street, Berkeley, CA 94704
510-981-7368
rent@cityofberkeley.info
Counseling services, including with respect to the administrative complaint process

4. Administrative Regulation 1.18 re: Complaints and Hearing Process

CITY OF BERKELEY ADMINISTRATIVE REGULATIONS
SUBJECT: Fair Chance Ordinance Administrative Complaints

PURPOSE

The purpose of this Administrative Regulation is to set forth a procedure for the adjudication of Administrative Complaints pursuant to the Ronald V. Dellums Fair Chance Access to Housing Ordinance ("Fair Chance Ordinance," B.M.C. Chapter 13.106).

POLICY

It is the policy of the City of Berkeley to ensure that Administrative Complaints raised under the Fair Chance Ordinance be adjudicated through a fair and orderly hearing process.

DEFINITIONS

For purposes of this Administrative Regulation, "the City" refers to the entity delegated responsibility for adjudication of Administrative Complaints, which as of FY22 is the Berkeley Rent Stabilization Board. However, in the event of a final decision, that final decision shall be considered the final decision of the City for purposes of Code of Civil Procedure Section 1094.6.

The term "Adverse Action," shall have the meaning set forth in Subsection 13.106.030.A.:

"Adverse Action" means to take one of the following actions based on a person's Criminal or Conviction History:

- 1. Failing or refusing to rent or lease Housing to a person;*
- 2. Failing or refusing to continue to rent or lease Housing to a person;*
- 3. Reducing the amount or term of any person's subsidy for Housing;*
- 4. Treating an Applicant or tenant differently from other applicants or tenants, including but not limited to, taking such actions as requiring higher security deposit or rent;*
- 5. Treating a person as ineligible for a tenant-based rental assistance program, including but not limited to, the Section 8 Housing Choice Voucher Program (42 U.S.C. Section 1437f); or*

6. *Failing to permit a tenant's Close Family Member to occupy a rental unit while the occupying tenant remains in occupancy.*

The term "Applicant" shall have the meaning set forth in Subsection 13.106.030.E.: *"Applicant" means a person who seeks information about, visits, or applies to rent or lease Housing; who applies for a tenant-based rental assistance program, including but not limited to the Section 8 Housing Choice Voucher Program (42 U.S.C. Section 1437f); who seeks to be added as a household member to an existing lease for Housing; or, with respect to any Criminal History that occurred prior to the beginning of the person's tenancy, who currently rents or has a lease for Housing.*

The term "Close Family Member" shall have the meaning set forth in Subsection 13.106.030.H.:

"Close Family Member" means a spouse, registered domestic partner, child, sibling, parent, grandparent, or grandchild.

The term "Housing Provider," shall have the meaning set forth in Subsection 13.106.030.L.:

"Housing Provider" shall mean any Person that owns, master leases, manages, or develops Housing in the City. For the purpose of this definition, "Person" includes one or more individuals, partnerships, organizations, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and any political or civil subdivision or agency or instrumentality of the City. In addition, any agent, such as a property management company, that makes tenancy decisions on behalf of the above-described Persons, and any government agency, including but not limited to the Berkeley Housing Authority, that makes eligibility decisions for tenant-based rental assistance programs, including but not limited to the Section 8 Housing Choice Voucher Program (42 U.S.C. Section 1437f), shall also be considered a "Housing Provider."

Any amendment to Section 13.106.030 shall supersede the definitions listed above for purposes of this Administrative Regulation.

PROCEDURES

1. COMPLAINTS: (13.106.090.A.)

- a. Any Applicant subject to an Adverse Action or their Close Family Member who believes the Adverse Action was based on a violation of the Fair Chance Ordinance shall have the right to submit a complaint to the City under the rules set forth by this regulation.
- b. Complaints must be submitted by completing a form provided by the City and include any supporting documentation. Complaints and supporting documentation shall be served on the Housing Provider and must include a proof of service as required under subsection f. below.

- c. The Applicant must submit a complaint within one year of the date the Applicant submitted an application to the Housing Provider or the date of the violation, whichever is earlier.
 - d. Preliminary review of complaints.
 - i. Complaints that are complete and timely submitted in conformance with this regulation will be accepted and subject to the hearing process if they contain a claim that is cognizable under the Chapter, meaning that the complaint has set forth factual allegations which would indicate that a violation of the Chapter has occurred. For example, a complaint that is speculative, conclusory, or lacks sufficient factual allegations to infer discriminatory conduct in violation of the Chapter will be dismissed without a hearing.
 - ii. If a complaint is determined by a preliminary review to not state a claim that is cognizable under the Chapter, the Applicant may amend the complaint within 14 calendar days from the date the City mails a notice allowing the Applicant to amend the complaint. If the Applicant fails to timely and sufficiently amend the complaint, the complaint will be dismissed.
 - e. The City shall notify the Housing Provider of an accepted complaint that is subject to the hearing process and send the Housing Provider an answer form to be used to respond to the Complaint. An answer and any supporting documentation must be submitted within 30 days of the mailing of the answer form to the Housing Provider. An answer and supporting documentation shall also include a proof of service as required under subsection f below.
 - f. A proof of service using a form provided by the City is required with all submissions to the City concerning a complaint. The proof of service indicates that a document has been served on the opposing party either by first-class mail or in person.
2. HEARINGS: (13.106.090.B except where otherwise noted.)
- a. An administrative hearing before a hearing officer designated by the City Manager will be scheduled within 90 days of the date of submission of the complaint. This deadline may be extended with the consent of all parties. (13.106.090.A.)
 - b. The parties shall have the following rights at an administrative hearing conducted pursuant to this Section:
 - i. Attendance.
 - 1. To have the parties and their witnesses present at the hearing.
 - 2. To have an advocate of their choosing to represent them at the hearing.

3. To have a translator present at the hearing when translation is reasonably necessary and reasonably available.
 4. To have any other person approved by the hearing officer as a reasonable accommodation for a person with a disability.
- ii. Evidence.
 1. To present any relevant witnesses, documents, and any other evidence which will be considered without regard to admissibility under court rules of evidence.
 2. The hearing officer may exclude overly repetitious or irrelevant evidence.
 3. To examine the other party's evidence and to rebut and cross-examine any witnesses.
 - iii. Reasonable Accommodations.
 1. To request any reasonable accommodation needed to participate in the hearing process.
 2. The hearing officer will consider reasonable accommodation requests from all persons with disabilities. A party may ask the City to review any denial of such requests by the Hearing Officer.
 - iv. Recording.
 1. To record the hearing.
 2. Hearings will be recorded in either audio or video format and retained by the agency conducting the hearing for a period of at least three years from the date of the hearing.
3. DECISIONS: (13.106.090. C.)
- a. The hearing officer shall issue a written decision stating whether any violation of the Chapter has occurred and the reasons for the decision. The reasoning shall include factual findings and conclusions.
 - b. A copy of the hearing decision must be furnished promptly to the parties and their representatives.
 - c. The remedies issued by the hearing officer shall be limited to Section 13.106.100.A. By this Administrative Regulation, the City Manager authorizes the hearing officer to act as an "enforcement officer" within the meaning of Section 12.28.20. Where the hearing officer determines that a violation of the Chapter

has occurred and is ongoing, the hearing officer shall issue an administrative citation under Chapter 1.28.

4. APPEALS:

- a. A Housing Provider may contest the amount of the administrative citation imposed by the hearing officer’s decision pursuant to the appeal process set forth in B.M.C. Chapter 1.28. In an appeal of the amount of the administrative citation, the hearing officer’s factual findings and conclusions set forth in the hearing decision shall be considered binding for purposes of Chapter 1.28 and only the amount of the citation shall be subject to appeal.
- b. A Housing Provider who does not contest the amount of the administrative citation may treat the hearing officer’s decision as the final decision of the City once the 21-day period for appeal has lapsed and file a petition for writ of mandate under Code of Civil Procedure 1094.6 to challenge the determinations in the hearing officer’s decision.
- c. An Applicant may contest the hearing officer’s decision by filing a petition for writ of mandate under Code of Civil Procedure 1094.6 within 90 days of the final decision, contingent upon the Housing Provider’s right to appeal the amount of the administrative citation set forth in subsection a., above.

POLICY HISTORY AND CITATIONS

This is a new policy issued in July 6, 2021.

APPROVAL

This policy was issued on July 6, 2021, and approved by:

Dee Williams-Ridley, City Manager

<p>RESPONSIBLE DEPARTMENT: Health, Housing & Community Services</p> <p>TO BE REVIEWED/REVISED: Every 2 years</p>	<p>Approved by:</p> <p>_____</p> <p style="text-align: center;">Department Director</p> <p>_____</p> <p style="text-align: center;">City Manager</p>
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5. Complaint Form

CITY OF BERKELEY
INSTRUCTIONS FOR
COMPLAINT OF ADVERSE ACTION AGAINST HOUSING PROVIDER
FAIR CHANCE HOUSING ORDINANCE

GENERAL INFORMATION

Under the Ronald V. Dellums Fair Chance Access to Housing Ordinance (Berkeley Municipal Code Chapter 13.106) (the “Ordinance”), housing providers are prohibited from discriminating against tenants and prospective tenants based on their criminal history. The City of Berkeley hears and decides administrative complaints from tenants or prospective tenants that they have been discriminated against in violation of the Ordinance. Close family members (spouse, registered domestic partner, child, sibling, parent, grandparent, or grandchild) can submit a complaint on their behalf.

WHEN YOU CAN FILE. A complaint must be filed no more than one year from when the tenant or prospective tenant submitted an application to the housing provider or the date of the violation, whichever is earlier.

EXCEPTIONS.

Some types of housing are exempt from the Ordinance, including the following types of housing units:

- Owner-occupied properties with 1-3 units total on property
- Units under a rental agreement allowing owners to move back to their home in accordance with B.M.C. 13.76.130 A.10
- Units occupied by existing tenant(s) seeking to sublet or add/replace roommates
- Subsidized housing. If state or federal laws require a Housing Provider to exclude tenants with certain types of Criminal History (e.g. violent sex crimes, meth production in some subsidized housing), a Housing Provider must:
 - Inform an Applicant that they will check for certain types of Criminal History and
 - Either obtain an Applicant’s written consent, or allow the Applicant to withdraw the application.

In addition, Housing providers may review the State of California Department of Justice’s Megan’s Law website registry of lifetime sex offenders in order to protect a “person at risk” (Cal. Pen. Code § 290.46(j)(1)). Prior to doing so, the Housing Provider must:

- Include a statement in the rental application informing Applicants of the sex offender screening requirement;
- Have already determined that an Applicant meets all other rental criteria;
- Provided the Applicant with a conditional rental agreement;
- Informed the Applicant in advance of checking the sex offender registry; and
- Either obtain written consent from the Applicant or give the Applicant an opportunity to withdraw their application prior to conducting a search.

Before submitting a complaint, you may find it helpful to talk with a Rent Board counselor, who are available to answer questions about the complaint process, in person or remotely. See contact information below.

SUBMITTING THE COMPLAINT

Submit the complaint, a copy of any supporting documentation, and a completed proof of service (provided on the last page of this form to confirm that you delivered the documents to the housing provider you are complaining of) to the following address:

CITY OF BERKELEY
RENT STABILIZATION BOARD
2125 Milvia Street, Berkeley, CA 94704
TEL: (510) 981-7368 (981-RENT) TDD: (510) 981-6903 FAX: (510) 981-4940
EMAIL: rent@cityofberkeley.info INTERNET: www.cityofberkeley.info/rent

AFTER THE COMPLAINT IS FILED

The complaint will be initially reviewed to determine whether it contains enough factual allegations to show that there was discriminatory conduct in violation of the Ordinance. If a complaint is not clear enough to allege facts that would constitute a violation, you will have 14 days to amend your complaint. If any amendments are not sufficient to cure the defects in your complaint, it will be dismissed without a hearing.

If the complaint is accepted, the housing provider will be notified and have the opportunity to file an objection and participate in a hearing. The hearing will be scheduled within 90 days from the date the complaint was submitted.

The hearing is an official administrative proceeding but is less formal than a court trial. Parties will testify, present witnesses, have documents included in the record, and cross-examine the opposing party and their witnesses.

After the hearing, a written decision will be mailed to all the parties. The decision will contain a determination of whether there were any violations of the Ordinance and include any administrative citations imposed on the housing provider. If you disagree with the decision, you may file an appeal in court under California Code of Civil Procedure 1094.6 within 90 days of the final decision. Before a decision is considered final, the housing provider is allowed to appeal any administrative citation that was issued by the hearing officer.

**CITY OF BERKELEY
COMPLAINT OF ADVERSE ACTION AGAINST HOUSING PROVIDER
FAIR CHANCE HOUSING ORDINANCE**

COMPLAINT NO. FC- _____

A. Property Address: _____ Unit No. _____

B. Tenant/Prospective Tenant Information:

Name _____

Mailing address _____

City _____ State _____ Zip _____

Phone (____) _____ Fax (____) _____

Email address _____ @ _____

If you are a close family member (spouse, registered domestic partner, child, sibling, parent, grandparent, or grandchild) of the tenant or prospective tenant who was discriminated against by the housing provider, please complete C below. If not, skip C and go to D.

C. Close Family Member Information:

Name _____

Mailing address _____

City _____ State _____ Zip _____

Phone (____) _____ Fax (____) _____

Email address _____ @ _____

Relation to Tenant/Prospective Tenant: _____

D. Housing Provider's Information:

Name _____

Mailing address _____

City _____ State _____ Zip _____

Phone (____) _____ Fax (____) _____

Email address _____ @ _____

G. Supporting Documentation:

Attach a copy of any and all documents in support of your claim that a housing provider took adverse actions against the tenant or prospective tenant based on criminal history in violation of the Ordinance. Supporting documentation is not required in order to file a complaint.

H. Certification: I declare under penalty of perjury under the laws of the State of California that the information stated above, and in any attachments, is true and correct.

Signature _____ Date _____

Printed Name _____

PROOF OF SERVICE

I AM A RESIDENT OF _____ COUNTY AND WAS, AT THE TIME OF SERVICE, OVER EIGHTEEN YEARS OF AGE. ON _____ (DATE), I SERVED ONE COPY OF THE FOLLOWING DOCUMENT(S): _____

BY: (CHECK APPROPRIATE BOX)

DELIVERING THE DOCUMENTS IN PERSON TO THE FOLLOWING INDIVIDUAL(S):
[PRINT NAME OF EACH PARTY SERVED:]

PLACING THE DOCUMENTS, ENCLOSED IN A SEALED ENVELOPE WITH FIRST-CLASS POSTAGE FULLY PAID, INTO A U.S. POSTAL SERVICE MAILBOX, ADDRESSED AS FOLLOWS:
[PRINT NAME AND ADDRESS AS SHOWN ON ENVELOPE OF EACH PARTY SERVED:]

I DECLARE UNDER PENALTY OF PERJURY OF THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

(SIGNATURE)

(DATE)

(PRINTED NAME)

6. Answer Form

CITY OF BERKELEY
ANSWER TO COMPLAINT OF ADVERSE ACTION AGAINST HOUSING PROVIDER
FAIR CHANCE HOUSING ORDINANCE

Deadline to file answer: _____

GENERAL INFORMATION

A complaint has been filed against you to seek a determination as to whether you have discriminated against a tenant or prospective tenant in violation of the Ronald V. Dellums Fair Chance Access to Housing Ordinance (Berkeley Municipal Code (B.M.C.) Chapter 13.106) (the “Ordinance”). The complaint process includes a hearing before a hearing officer, who will determine if there were any violations. If any violations are found, an administrative citation may be imposed on you.

If you wish to object to the complaint and participate in the hearing process, you must complete this answer form and submit it before the deadline date indicated above, which is 30 days from the date the answer form was mailed to you.

Under the Ordinance, housing providers are prohibited from discriminating against tenants and prospective tenants based on their criminal history. The City of Berkeley hears and decides administrative complaints from tenants or prospective tenants that they have been discriminated against in violation of the Ordinance. Close family members (spouse, registered domestic partner, child, sibling, parent, grandparent, or grandchild) can submit a complaint on their behalf.

Before submitting a complaint, you may find it helpful to talk with a Rent Board counselor, who are available to answer questions about the complaint process, in person or remotely. See contact information below.

SUBMITTING THE ANSWER

Submit the answer, a copy of any supporting documentation, and a completed proof of service (provided on the last page of this form to confirm that you delivered the documents to the complainant) to the following address:

CITY OF BERKELEY
RENT STABILIZATION BOARD
2125 Milvia Street, Berkeley, CA 94704
TEL: (510) 981-7368 (981-RENT) TDD: (510) 981-6903 FAX: (510) 981-4940
EMAIL: rent@cityofberkeley.info INTERNET: www.cityofberkeley.info/rent

AFTER THE ANSWER IS FILED

A hearing will be scheduled within 90 days from the date the complaint was submitted.

The hearing is an official administrative proceeding but is less formal than a court trial. Parties will testify, present witnesses, have documents included in the record, and cross-examine the opposing party and their witnesses.

After the hearing, a written decision will be mailed to all the parties. The decision will contain a determination of whether there were any violations of the Ordinance and include any administrative citations imposed on the housing provider.

If you disagree with the decision, you may file an appeal in court under California Code of Civil Procedure 1094.6 within 90 days of the final decision. Before a decision is considered final, you are allowed to appeal the amount of the fine under the administrative citation by completing a request for hearing form and returning it to the City. For more instructions and to download the hearing form, go to tinyurl.com/5unnhtxs. The request for hearing must be received or postmarked no later than 21 days after the date of the hearing decision containing the citation.

**CITY OF BERKELEY
ANSWER TO COMPLAINT OF ADVERSE ACTION AGAINST HOUSING PROVIDER
FAIR CHANCE ORDINANCE**

COMPLAINT NO. FC- _____

A. Housing Provider's Information:

Name _____

Mailing address _____

City _____ State _____ Zip _____

Phone (____) _____ Fax (____) _____

Email address _____ @ _____

B. Claim of Exemption or Inapplicability of the Ordinance:

Check whether any of the following claims apply.

- I am not a housing provider as defined in B.M.C. Section 13.106.30 L.
- The property is a single-family dwelling where one or more of the owners occupies the dwelling as their principal residence.
- The property is a single-family dwelling with an accessory dwelling unit, as defined in B.M.C. Section 23F.04.010, where either the main unit or the accessory dwelling unit is occupied by one or more owners as their principal residence.
- The property is a duplex or triplex where one of the units is occupied by one or more owners as their principal residence.
- The owner occupied the rental unit as their principal residence and has the right to recover possession of the unit for their occupancy as a principal residence under an existing rental agreement with the current tenant(s) pursuant to B.M.C. Section 13.76.130 A.10.
- The unit is occupied by a tenant seeking to replace an existing co-tenant, add an additional co-tenant, or sublet the unit, and remain in occupancy.
- Other reasons. The Ordinance does not apply to me because of the following reasons (attach additional pages if needed):

C. Objections/Defenses:

Check any of the objections or defenses to the claims set forth in the complaint:

- The date when the complaint was filed is more than a year after the housing application was submitted to the housing provider or when the alleged conduct in violation of the Ordinance occurred, whichever is earlier.
- The complainant was not a tenant or prospective tenant or their close family member (spouse, registered domestic partner, child, sibling, parent, grandparent, or grandchild).
- The housing provider did not try to obtain information regarding the tenant or prospective tenant’s criminal history, whether directly or indirectly.
- The housing provider took no adverse action against the tenant or prospective tenant. An adverse action means to take one of the following actions:
 1. Failing or refusing to rent or lease housing to a person.
 2. Failing or refusing to continue to rent or lease housing to a person.
 3. Reducing the amount or term of any person’s subsidy for housing.
 4. Treating a tenant or prospective tenant differently from other tenants or prospective tenants, including but not limited to, taking such actions as requiring higher security deposit or rent
 5. Treating a person as ineligible for a tenant-based rental assistance program, including but not limited to the Section 8 Housing Choice Voucher Program.
 6. Failing to permit a tenant’s close family member (spouse, registered domestic partner, child, sibling, parent, grandparent, or grandchild) to occupy a rental unit while the occupying tenant remains in occupancy.
- The housing provider did not base the adverse action taken on the tenant or prospective tenant’s criminal or conviction history.
- The housing provider was complying with federal or state laws that exclude tenants based on certain types of criminal history after providing adequate notice and obtaining written consent from the tenant or prospective tenant. *See* B.M.C. Section 13.106.40 D and E for additional requirements.
- The housing provider was complying with state law in order to protect persons at risk pursuant to California Penal Code Section 290.46(j)(1) by reviewing the State registry of lifetime sex offenders after 1) providing notice of the screening requirement in writing in the rental application; 2) determining that the prospective tenant was otherwise qualified for rental housing; 3) providing a rental agreement conditioned on the prospective tenant meeting the housing provider's criminal history and other qualifying criteria; and 4) obtaining written consent of the prospective tenant that the sex offender registry will be checked. *See* B.M.C. Section 13.106.40 D and E for additional requirements.
- Other reasons. State any other objection or defense to the claims raised in the complaint (attach additional pages if needed):

PROOF OF SERVICE

I AM A RESIDENT OF _____ COUNTY AND WAS, AT THE TIME OF SERVICE, OVER EIGHTEEN YEARS OF AGE. ON _____ (DATE), I SERVED ONE COPY OF THE FOLLOWING DOCUMENT(S): _____

BY: (CHECK APPROPRIATE BOX)

DELIVERING THE DOCUMENTS IN PERSON TO THE FOLLOWING INDIVIDUAL(S):
[PRINT NAME OF EACH PARTY SERVED:]

PLACING THE DOCUMENTS, ENCLOSED IN A SEALED ENVELOPE WITH FIRST-CLASS POSTAGE FULLY PAID, INTO A U.S. POSTAL SERVICE MAILBOX, ADDRESSED AS FOLLOWS:
[PRINT NAME AND ADDRESS AS SHOWN ON ENVELOPE OF EACH PARTY SERVED:]

I DECLARE UNDER PENALTY OF PERJURY OF THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

(SIGNATURE)

(DATE)

(PRINTED NAME)

7. Annual Certification Form for Affordable Housing Providers

Annual Certification Form for Affordable Housing Providers

As a provider of Affordable Housing, I am certifying the following

- I serve as the Chief Executive Officer of _____ (Name of organization).
- We are familiar with the City of Berkeley's Ron Dellums Fair Chance Access to Housing Ordinance (Ordinance No. 7,692-N.S.), codified in Chapter 13.106 of the Berkeley Municipal Code.
- We have been in full compliance with the Fair Chance Access to Housing Ordinance, including abiding by the following terms:
 - We have not produced or disseminated any advertisement related to housing that expresses, directly or indirectly, that any person with a criminal history will not be considered for the rental or lease of real property or may not apply for the rental or lease of real property, except as required by State or Federal law.
 - We have not inquired about any applicant's criminal history on our application, nor run a criminal background check on any applicant during our application processes, nor have we asked applicants to consent to a criminal background check as a part of our application or application process.
 - We have not evicted any tenant on the sole basis of holding a criminal record
 - We are aware of the rights of tenants, as well as family members of formerly incarcerated individuals, to file a complaint with the City or take legal action if they are prohibited from adding a new tenant with a criminal history or a family member with a criminal history to their lease on the sole basis of criminal history.
 - We are aware that family members of formerly incarcerated individuals may file a complaint with the City on behalf of their formerly incarcerated family member. Said family member need not be applying to nor reside in the unit in question.
 - We are aware that we may check the State's Lifetime Sex Offender Registry during our selection process. We are aware that due process protections entail that we ask for and receive consent from applicants before checking the State's Lifetime Sex Offender Registry, and allow applicants the opportunity to withdraw their applications if they desire.
 - We are aware that we may run limited criminal background checks for HUD funded units when required by federal or state law. We are aware that due process protections entail that we ask for and receive consent from applicants to run a criminal background check, and allow applicants the opportunity to withdraw their applications if they desire..
 - We have included the Notice to Rental Applicants and Tenants provided by the City of Berkeley prominently on our application materials, websites and any other locations under our control that are frequently visited by applicants. The notice provided by the City includes a description of the restrictions and requirements of

the Ordinance, instructions for submitting a complaint to the City regarding a violation of this Ordinance, and information about community resources available to assist an applicant in connection with a violation of the Ordinance.

- We shall maintain a record of any criminal history obtained for any applicant for housing for a period of at least three years. To the maximum extent permitted by law, any information obtained regarding an applicant's criminal history shall remain confidential.
- If applicable, we have complied with requests by the City to provide records for purposes of demonstrating compliance with requirements of this Ordinance.
- We have not interfered with, restrained, or denied the exercise of, or the attempt to exercise, any right protected under the Fair Chance Access to Housing Ordinance, or taken any adverse action against any person who has exercised or attempted to exercise any rights protected under the Ordinance.

I declare under penalty of perjury under the laws of the City of Berkeley that the foregoing is true and correct.

Signature

Date

Print Name

Title

Commissioner Attendance at Rent Stabilization Board Meetings: 2021

2021	Soli ALPERT	James CHANG	Xavier JOHNSON	Andy KELLEY	Paola LAVERDE	Mari MENDONCA	John SELAWSKY	Leah SIMON-WEISBERG	Dominique WALKER
January 21	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT
February 18	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT
March 18	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT
April 15	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT
May 6	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT
June 17	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT
July 15	PRESENT	PRESENT	ABSENT*	PRESENT	PRESENT	ABSENT*	PRESENT	PRESENT	PRESENT
August 19 CANCELLED	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
September 23	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	PRESENT	ABSENT*	PRESENT	PRESENT
October 7 CANCELLED									
October 21									
November 18									
December 16									
* = Absent <i>with</i> compensation ** = Absent due to a medical reason <i>Bold and italicized</i> = Special Meeting									

**Commissioner Attendance at Rent Stabilization Board COMMITTEE Meetings:
January-March 2021 (Q1)**

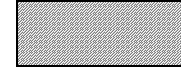
COMMITTEES	Soli ALPERT	James CHANG	Xavier JOHNSON	Andy KELLEY	Paola LAVERDE	Mari MENDONCA	John SELAWSKY	Leah SIMON-WEISBERG	Dominique WALKER
<i>Budget & Personnel</i>									
Thursday, January 28, 2021		Present					Present	Present	Present
Thursday, February 25, 2021		Present					Present	Present	Present
Thursday, March 25, 2021		Present					Present	Present	Present
<i>Eviction / Section 8 / Foreclosure</i>									
Thursday, February 11, 2021					Present	Present	Present		Present
Thursday, March 11, 2021					Present	Present	Present		Present
<i>Habitable & Sustainable Housing</i>									
<i>This Committee did not meet this quarter.</i>									
<i>IRA / AGA / Registration</i>									
Tuesday, February 9, 2021	Present		Present	Present				Present	
Tuesday, March 2, 2021	Present		Present	Present				Present	
<i>Outreach</i>									
Wednesday, February 10, 2021		Present		Present	Present	Present			
Wednesday, March 24, 2021		Present		Present	Present	Present			
<i>4 x 4 Joint Committee on Housing (City Council/Rent Board)</i>									
Wednesday, February 24, 2021	Present		Present	Present				Present	
Wednesday, March 10, 2021	Present		Present	Present				Present	
<i>2 x 2 Committee on Housing (BUSD/Rent Board)</i>									
<i>This Committee did not meet this quarter.</i>									

**Commissioner Attendance at Rent Stabilization Board COMMITTEE Meetings:
January-March 2021 (Q1)**

COMMITTEES	Soli ALPERT	James CHANG	Xavier JOHNSON	Andy KELLEY	Paola LAVERDE	Mari MENDONCA	John SELAWSKY	Leah SIMON- WEISBERG	Dominique WALKER
<i>Ad Hoc Committee on Technology Issues</i>									
<i>This Committee did not meet this quarter.</i>									

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation



= Not a member of this Committee at this time

**Commissioner Attendance at Rent Stabilization Board COMMITTEE Meetings:
April-June 2021 (Q2)**

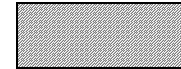
COMMITTEES	Soli ALPERT	James CHANG	Xavier JOHNSON	Andy KELLEY	Paola LAVERDE	Mari MENDONCA	John SELAWSKY	Leah SIMON- WEISBERG	Dominique WALKER
<i>Budget & Personnel</i>									
Thursday, April 22, 2021		Present					Present	Present	Absent
Tuesday, April 27, 2021		Present					Present	Present	Present
Tuesday, June 1, 2021		Present					Present	Present	Present
<i>Eviction / Section 8 / Foreclosure</i>									
Thursday, May 13, 2021					Present	Present	Present		Present
<i>IRA / AGA / Registration</i>									
Tuesday, April 6, 2021	Present		Present	Present				Present	
<i>Outreach</i>									
Wednesday, April 21, 2021		Present		Present	Present	Present			
Wednesday, May 19, 2021		Present		Present	Present	Present			
Wednesday, June 16, 2021		Present		Present	Present	Present			
<i>4 x 4 Joint Committee on Housing (City Council/Rent Board)</i>									
Tuesday, May 4, 2021	Present		Present	Present				Present	
Wednesday, June 23, 2021	Present			Present				Present	Present
<i>2 x 2 Committee on Housing (BUSD/Rent Board)</i>									
<i>This Committee did not meet this quarter.</i>									

**Commissioner Attendance at Rent Stabilization Board COMMITTEE Meetings:
April-June 2021 (Q2)**

COMMITTEES	Soli ALPERT	James CHANG	Xavier JOHNSON	Andy KELLEY	Paola LAVERDE	Mari MENDONCA	John SELAWSKY	Leah SIMON- WEISBERG	Dominique WALKER
<i>Ad Hoc Committee on Technology Issues</i>									
<i>This Committee did not meet this quarter.</i>									

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation



= Not a member of this Committee at this time

**Commissioner Attendance at Rent Stabilization Board COMMITTEE Meetings:
July - September 2021 (Q3)**

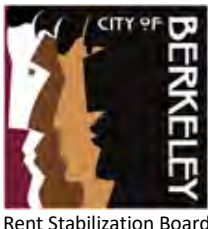
COMMITTEES	Soli ALPERT	James CHANG	Xavier JOHNSON	Andy KELLEY	Paola LAVERDE	Mari MENDONCA	John SELAWSKY	Leah SIMON-WEISBERG	Dominique WALKER
<i>Budget & Personnel</i>									
Thursday, July 8, 2021		Present					Present	Present	Absent
Tuesday, August 31, 2021		Present					Present	Present	Present
<i>Eviction / Section 8 / Foreclosure</i>									
Thursday, July 29, 2021					Present	Present	Present		Present
<i>IRA / AGA / Registration</i>									
Wednesday, July 14, 2021^	Present		Absent*	Present				Absent	
Wednesday, July 28, 2021	Present		Absent*	Present				Present	
Wednesday, September 8, 2021	Present		Present	Present				Present	
<i>Outreach</i>									
Wednesday, July 21, 2021		Present		Present	Present	Present			
Wednesday, September 15, 2021		Present		Present	Present	Present			
<i>4 x 4 Joint Committee on Housing (City Council/Rent Board)</i>									
Wednesday, September 22, 2021	Present		Present	Present				Present	
<i>2 x 2 Committee on Housing (BUSD/Rent Board)</i>									
<i>This Committee did not meet this quarter.</i>									
<i>Ad Hoc Committee on Technology Issues</i>									
<i>This Committee did not meet this quarter.</i>									

^ = Meeting cancelled due to lack of a quorum

* = Absent with compensation



= Not a member of this Committee at this time



RENT STABILIZATION BOARD
EVICTION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Thursday, October 14, 2021

5:30 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE.

Pursuant to Government Code Section 54953(e) and City Council Resolution 70,030-N.S., this meeting of the City of Berkeley Rent Stabilization Board (Rent Board) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolution and the findings contained therein that the spread of COVID-19 continues to be a threat to the public health and that holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies. Therefore, **there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/85604906186?pwd=SW1LNkM0YVIUOURqVIYxc1AzbjNSUT09>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename Yourself to be anonymous. To request to speak, use the "Raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 856 0490 6186 and Passcode: 014649. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment to be read aloud during public comment, email msiegel@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM FOR EVICTION/SECTION 8 COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 4:00 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting and all rules of procedure and decorum will apply for meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Matt Brown, Acting Executive Director, at (510) 981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.



Rent Stabilization Board

RENT STABILIZATION BOARD
EVICITION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

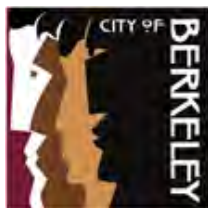
Thursday, October 14, 2021 – 5:30 p.m.

AGENDA

1. Roll call
2. Approval of the Agenda
3. Approval of Minutes of the July 29, 2021 meeting
4. Public Comment
5. Presentation/Discussion and possible action on report from Eviction Defense Center and East Bay Community Law Center or current status of evictions.
6. Future Agenda Items
7. Confirm next meeting date (Commissioners: please bring calendars to meeting)
8. Adjournment

STAFF CONTACT: Matthew Siegel – (510) 981.4903

COMMITTEE: Paola Laverde, Mari Mendonca (Chair), John Selawsky, Dominique Walker



Rent Stabilization Board

RENT STABILIZATION BOARD
IRA / AGA / REGISTRATION COMMITTEE MEETING

Wednesday, October 13, 2021

5:00 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE.

Pursuant to Government Code Section 54953(e) and City Council Resolution 70,030-N.S., this meeting of the City of Berkeley Rent Stabilization Board (Rent Board) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolution and the findings contained therein that the spread of COVID-19 continues to be a threat to the public health and that holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies. Therefore, **there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/87554876072?pwd=bDVNMURZZ112UHkrdHZZb3JoYnd5UT09>. . If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename Yourself to be anonymous. To request to speak, use the "Raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-408 638 0968 and enter Webinar ID: 875 5487 6072 and Passcode: 217564. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment to be read aloud during public comment, email mbrown@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM FOR IRA/AGA COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 3:30 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting and all rules of procedure and decorum will apply for meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Matt Brown, Acting Executive Director, at (510) 981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.



Rent Stabilization Board

RENT STABILIZATION BOARD
IRA / AGA / REGISTRATION COMMITTEE MEETING

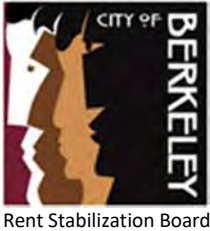
Wednesday, October 13, 2021 – 5:00 p.m.

AGENDA

1. Roll call
2. Approval of the agenda
3. Approval of minutes from the September 8, 2021 meeting (Attached to agenda)
4. Public Comment
5. Discussion and possible action to recommend that full Board approve the 2022 Annual General Adjustment at the October 21, 2021 monthly meeting (see attached Staff Report)
6. Discussion and possible action to recommend that full Board approve the 2022 Annual Inflationary Adjustment of the Owner Move-In and Ellis Act Relocation Assistance payments at the October 21, 2021 monthly meeting (see attached Staff Report)
7. Discussion regarding the City's General Plan
8. Discussion and possible action regarding potential 2022 ballot initiatives to amend the Berkeley Rent Ordinance including review of Measure MM language in the ordinance
9. Discussion and possible action regarding future agenda items
 - ➔ Tenant Occupancy Limits (Commissioner Johnson)
10. Confirm next meeting date
11. Adjournment

STAFF CONTACT: Matt Brown, Acting Executive Director (510) 981-4930

COMMITTEE: Soli Alpert, Xavier Johnson, Andy Kelley (Chair), Leah Simon-Weisberg



**RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING**

Wednesday, October 20, 2021

5:00 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE.

Pursuant to Government Code Section 54953(e) and City Council Resolution 70,030-N.S., this meeting of the City of Berkeley Rent Stabilization Board (Rent Board) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Resolution and the findings contained therein that the spread of COVID-19 continues to be a threat to the public health and that holding meetings of City legislative bodies in person would present imminent risks to the health and safety of the public and members of legislative bodies. Therefore, **there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/84172651934?pwd=OWI5MkE2SU10Y1AxZ2duZTUxK1puUT09>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "Raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833, enter Webinar ID: 841 7265 1934 and Passcode: 950589. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment to be read aloud during public comment, email mLaw@cityofberkeley.info with the Subject line in this format: "PUBLIC COMMENT ITEM FOR OUTREACH COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 3:00 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting and all other rules of procedure and decorum will apply for meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Matt Brown, Acting Executive Director, at (510) 981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.



Rent Stabilization Board

**RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING**

Wednesday, October 20, 2021 – 5:00 p.m.

AGENDA

1. Roll call (2 min)
2. Approval of the Agenda (Attached to agenda) (2 min)
3. Approval of the Minutes of the September 15, 2021 Meeting (5 min)
4. Public Comment (5 min)
5. Discussion and Update re Tenant Survey (10 min)
6. Staff Information and Discussion re Website Redesign
(3Di; citywide changes) (10 min)
7. Discussion and Update re Fair Chance Ordinance (10 min)
8. Discussion re Eviction/COVID-19 Relief (10 min)
9. Discussion re Cal Student Outreach (Basic Needs Center) (2 min)
10. Staff Report: Recent and Upcoming Webinars, Workshops (2 min)
11. Schedule Next Meeting Date (2 min)
12. Future Agenda Items (5 min)
13. Adjournment (2 min)

STAFF CONTACT: Moni T. Law, Housing Counselor (510) 981-4906, Ext. 704

COMMITTEE: James Chang, Andy Kelley, Paola Laverde (Chair), Mari Mendonca



4x4 Committee on Housing
City Council and Rent Board

4 X 4 JOINT COMMITTEE ON HOUSING CITY COUNCIL/RENT STABILIZATION BOARD

Wednesday, September 22, 2021 – 3:00 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE.

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council and Rent Stabilization Board's **4 x 4 Joint Committee on Housing** (Committee) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, **there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/86898605916?pwd=aTh1QW85cXI5QVhYK2MwSGVQb0NvUT09>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 868 9860 5916 and Passcode: 328474. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment to be read aloud during public comment, email btran@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM FOR 4 X 4 COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 1:00 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting and all rules of procedure and decorum will apply for meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Matt Brown, Acting Executive Director of the Rent Board, at (510) 981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.



4x4 Committee on Housing
City Council and Rent Board

AGENDA

4 X 4 JOINT COMMITTEE ON HOUSING CITY COUNCIL/RENT STABILIZATION BOARD

Wednesday, September 22, 2021 – 3:00 p.m.

1. Roll Call
2. Approval of the Agenda
3. Public Comment on Non-Agenda Matters
4. Approval of June 23, 2021 Committee Meeting Minutes
5. Update on Fair Chance Ordinance Implementation and Notification (Rent Board and City Attorney)
6. Update on Source of Income Discrimination Ordinance Implementation (City Attorney and Mayor's Office)
7. Quick Updates on Previously Discussed Items
 - a. Amendments to the Demolition Ordinance
 - b. Measure MM Registration
8. Discussion of Possible Future Agenda Items
9. Adjournment

COMMITTEE MEMBERS:

Mayor Jesse Arreguín

City Councilmember Kate Harrison

City Councilmember Rigel Robinson

City Councilmember Terry Taplin

Rent Board Chairperson Leah Simon-Weisberg

Rent Board Vice-Chairperson Soli Alpert

Rent Board Commissioner Xavier Johnson

Rent Board Commissioner Andy Kelley



4x4 Committee on Housing
City Council and Rent Board

Item 4.

**4 X 4 JOINT COMMITTEE ON HOUSING
CITY COUNCIL/RENT STABILIZATION BOARD**

Wednesday, June 23, 2021 – 3:00 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE.

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council and Rent Stabilization Board's **4 x 4 Joint Committee on Housing** (Committee) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, **there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://zoom.us/j/91835838630?pwd=eWcrNXp0WlZ3aEl6VGN0MkxwNEZOQT09>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 918 3583 8630 and Passcode: 040237. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment to be read aloud during public comment, email btran@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM FOR 4 X 4 COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 1:00 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting and all rules of procedure and decorum will apply for meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Matt Brown, Acting Executive Director of the Rent Board, at (510) 981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.



4x4 Committee on Housing
City Council and Rent Board

4 X 4 JOINT COMMITTEE ON HOUSING CITY COUNCIL/RENT STABILIZATION BOARD

Wednesday, June 23, 2021 – 3:00 p.m.

Minutes To Be Approved

- Roll Call: RB Chair Simon-Weisberg called the meeting to order at 3:04 p.m.
Present: RBC Alpert, Mayor Arreguín (logged on at 3:45 p.m.), CM Harrison, RBC Kelley (logged on at 3:44 p.m.), CM Robinson, RB Chair Simon-Weisberg, RBC Walker (substitute for RBC Johnson).
Absent: CM Taplin.
Staff present: Matt Brown, Angie Chen, Brendan Darrow, Jen Fabish, J.T. Harechmak, Allison Pretto, Matthew Siegel, Be Tran, Lisa Warhuus, Lynn Wu.
- Approval of the Agenda: M/S/C (Simon-Weisberg/Harrison) Hear the items in the following order: Item 4, Item 7, Item 8, Item 5, and Item 6. Roll call vote. YES: Alpert, Harrison, Robinson, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: Arreguín, Kelley. Carried: 6-0-0-2.
- Public Comment on Non-Agenda Matters: None.
- Approval of May 4, 2021 Committee Meeting Minutes: M/S/C (Robinson/Harrison) Approve the minutes as written. Roll call vote. YES: Alpert, Harrison, Robinson, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: Arreguín, Kelley. Carried: 6-0-0-2.
- Assessment of the Effectiveness of Berkeley's COVID-19 Rental Forgiveness Program and Planning for Future Reopening (RBC Johnson): Deferred due to RBC Johnson's absence, and pending state action on the state eviction moratorium.
- Discuss Eviction Moratorium (Mayor Arreguín): The committee discussed the status of the state and local eviction moratoriums with input from Brendan Darrow of the City Attorney's Office. Director of Health, Housing, and Community Services Lisa Warhuus updated the committee on Berkeley's housing retention grant program and the Eviction Defense Center's work administering the program.

No public speakers.

- Discuss the Practice Around Rental Lease Co-Signers for Cal Students (Chair Simon-Weisberg): The committee's discussion included requirements for parents to be lease co-signers, situations where landlords refuse to rent to students if they want/need to have a co-signer, and income requirements. RBC Alpert with work with CM Harrison to identify a set of issues and questions, and CM Harrison will refer them to the City Attorney for exploration.

No public speakers.

8. Quick Updates on Previously Discussed Items
 - a. Measure MM Registration: Rent Board Registration Unit Manager Allison Pretto updated the committee on the status of Measure MM billing and collections. She and Rent Board Acting Executive Director responded to questions. RB Chair Simon-Weisberg and CM Harrison will identify metrics which they would like additional reporting on at the September meeting.
 - b. Amendments to the Demolition Ordinance: Mayor Arreguín with check in with interim Planning Director Jordan Klein on the status of the amendments.

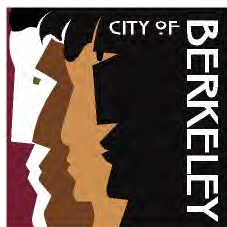
9. Discussion of Possible Future Agenda Items: Measure MM Update (September meeting); Tenant Habitability Plan (September meeting); Demolition Ordinance Amendments (July meeting if there are updates).

10. Adjournment: M/S/C (Harrison/Alpert) Motion to adjourn. Roll call vote. YES: Alpert, Arreguín, Harrison, Kelley, Robinson, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: Taplin. Carried: 7-0-0-1.

The meeting adjourned at 4:25 p.m.

COMMITTEE MEMBERS:

Mayor Jesse Arreguín	Rent Board Chairperson Leah Simon-Weisberg
City Councilmember Kate Harrison	Rent Board Vice-Chairperson Soli Alpert
City Councilmember Rigel Robinson	Rent Board Commissioner Xavier Johnson
City Councilmember Terry Taplin	Rent Board Commissioner Andy Kelley



Office of the Mayor

SUPPLEMENTAL AGENDA MATERIAL

Meeting Date: September 22, 2021

Item Number: 6

Item Description: Update on Source of Income Discrimination Ordinance Implementation (City Attorney and Mayor's Office)

Supplemental/Revision Submitted By: Mayor Jesse Arreguín

“Good of the City” Analysis:

The analysis below must demonstrate how accepting this supplement/revision is for the “good of the City” and outweighs the lack of time for citizen review or evaluation by the Council.

The Mayor's office is submitting three documents to inform Item 6, Update on Source of Income Discrimination Ordinance:

1. September 28, 2020, Memorandum Regarding Mayor's Office Research into Housing Discrimination by Source of Income and Criminal History, by Walker Laughlin
2. Spreadsheet, Housing Discrimination Database
3. Google Form, Source of Income Housing Discrimination

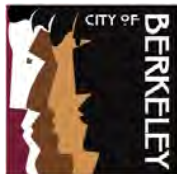
Background

In the Fall of 2020, the Mayor's office had an intern conduct research on housing discrimination in Berkeley. The research findings and methodology are summarized in attachment 1.

The findings reference a database, which is provided as attachment 2. This research is not up to date and represents just a snapshot over several weeks that Mr. Laughlin researched housing listings across a variety of platforms and identified advertisement in direct conflict with either the Source of Income Discrimination Ordinance or the Fair Chance Housing Ordinance. While this type of review is time consuming, Mr. Laughlin indicated that this type of data could be “scraped” from platforms in an automated fashion to populate a similar spreadsheet with relative ease based on his discussions with a software engineer.

Finally, the google form was developed by the Mayor's Office at the request of BHA as a tool to potentially inform the design of a new approach to enforcing discrimination in housing applications. It was not designed to be a formal mechanism for filing a complaint or for invoking rights under either the Source of Income Discrimination

Ordinance or the Fair Chance Housing Ordinance. This form was listed on the BHA website for sometime in early 2021, with notifications sent to the appropriate staff for review. The BHA website now directs to the California Department of Fair Employment and Housing.



Office of the Mayor

Jesse Arreguín, Mayor

MEMORANDUM

Date: September 18, 2020

To: Berkeley Housing Administration and the Berkeley City Attorney's Office

From: Walker Laughlin and Tano Trachtenberg

Regarding: Mayor's Office Research into Housing Discrimination by Source of Income and Criminal History

In August 2020, the Mayor's Office, the Berkeley City Attorney's Office, and the Berkeley Housing Administration proposed a research project to examine the following cases of housing discrimination in the city:

- Cases where Berkeley landlords prohibited applications from prospective tenants with Section 8 or other housing vouchers, in violation of Municipal Code Chapter 13.31 (Discrimination in Property Rental) and California Government Code Section 12955 (Fair Employment and Housing Act).
- Cases where Berkeley landlords required that prospective tenants undergo criminal background checks as part of the application process, in violation of the new Fair Chance Housing Ordinance.

This memo is to update the BHA and the City Attorney's Office on the progress of our research into these two classifications of housing discrimination. It will cover the methods used, our early findings, the office's expected deliverables, and proposed next steps.

Methods

Since Thursday, September 10, we have been searching apartment listing websites with the keywords "Section 8," "Background check," and "Criminal" to find landlords' advertisements that fall under the two categories listed above. The websites consulted so far are:

- Craigslist
- Apartments.com
- ApartmentFinder
- Trulia
- Facebook (specifically, listings in housing groups like UC Berkeley Off-Campus Housing)
- Zillow
- Tenantturner
- Apartmentlist.com

Findings to Date

- We have identified 9 listings that expressly prohibit applications from Section 8 or other voucher holders. 5 of them were listed on Craigslist, 2 were listed on Zillow, and 2 were listed on Tenantturner. These listings are managed by:
 - Advent Properties (4 cases)
 - The Berkeley Group (1 case)
 - Wells Bennett Realtors (1 case)
 - Keyrenter East Bay Property Management (1 case)
 - Seville Property Management (1 case)
 - [Unknown property management agency] (1 case)
- A number of listings on Tenantturner forbid applications from tenants whose income is lower than 2.0-2.5 times the rent, without specifying whether or not a housing voucher could count towards that income.

- We have identified 25 listings that require background checks. All but 3 were listed exclusively on Craigslist. These listings are managed by:
 - Hudson McDonald Properties (7 cases)
 - Prime Metropolis Properties (2 cases)
 - Bayview Real Estate (1 case)
 - Bay Area Leasing (2 cases)
 - Grid 7 Properties (1 case)
 - [Unknown property management agency] (12 cases)

Expected Deliverables

We are working on 2 deliverables to help record and organize information related to the research project:

1. A Google Sheet that can serve as a database of cases. Its current design has the following data points:
 - a. Post title
 - b. Listing address
 - c. Source (e.g. Craigslist, Zillow)
 - d. Date of post
 - e. Date of sighting
 - f. Management agency
 - g. Rental housing type
 - h. Link for listing
 - i. Link for screenshot of listing
 - j. Notes

2. A Google form where individuals can report cases. Currently we have made one for reporting discrimination based on source of income. It asks for the same information that we collect in the spreadsheet and gives a space for a respondent's questions or concerns.

Proposed Next Steps

- **Walker can revise the spreadsheet, methods or google form based on feedback from BHA and the City Attorney's Office**
- **New methods of data collection:** One possibility is to reach out to private law firms who could name property management agencies they see frequently committing housing discrimination by source of income or criminal history. Walker reached out to Astanehe Law last week towards this end.
- **New data points:** which landlords and property management agencies with documented cases of housing discrimination belong to the Berkeley Property Owners Association?

SOURCE OF INCOME PROHIBITIONS										
Post Title	Address	Source	Post Date	Spot Date	Management Agency	BPOA member?	Rental Housing Type	Listing Link	Screenshot Link	Notes
\$2,200 / 1br - 750ft2 - Sunny and Bright Craftsman Apartment (berkeley)	2122 McGee near Alston	Craigslist	9/3/2020; Reposted 9/21/2020	9/11/2020; Re-spotted 9/23/2020	Listed by property owner, Stefan Alan Isaksen		Upstairs bedroom in 4-unit building	Repost: https://sfbay.craigslist.org/eb/apa/d/berkeley-sunny-and-bright-craftsman/7200282564.html	Repost: https://drive.google.com/file/d/1vUAEUVHYVMV-WF-EXuCjCRHAWvDC6j5a/view?usp=sharing	
\$1,295 / 112ft2 - Advent- Single occupancy room directly across from UC Berkeley!	225A Hearst Avenue	Craigslist	09/14/2020	9/16/2020	Advent Properties		Single room in apartment	https://sfbay.craigslist.org/eb/apa/d/berkeley-advent-single-occupancy-room/7196077067.html	https://drive.google.com/file/d/1Xoa8Od3UasrMi1M0CjdbkAv7y1u35_u/view?usp=sharing	
\$1,295 / 112ft2 - Advent- Single room (404) available directly across from UC Berkeley!	225A Hearst Avenue	Craigslist	09/14/2020	9/16/2020	Advent Properties		Single room in apartment	https://sfbay.craigslist.org/eb/apa/d/berkeley-advent-single-room-404/7196076836.html	https://drive.google.com/file/d/1oOXu1EEj_RDV_oUe0EickY0dxFPQ7/view?usp=sharing	
\$1,395 Advent- Single room (406) available directly across from UC Berkeley!	225A Hearst Avenue	Craigslist	09/14/2020	9/16/2020	Advent Properties		Single room in apartment	https://sfbay.craigslist.org/eb/apa/d/berkeley-advent-single-room-406/7196075779.html	https://drive.google.com/file/d/1HW45fhEgJGhtcQ8XmQnshAqg_NNbh6W/view?usp=sharing	
\$1,495 / 230ft2 - Advent- Large single room (502) available directly across from UC Berk	225A Hearst Avenue	Craigslist	09/14/2020	9/16/2020	Advent Properties		Single room in apartment	https://sfbay.craigslist.org/eb/apa/d/berkeley-advent-large-single-room-502/7196075373.html	https://drive.google.com/file/d/1QxXdLnmX2rYb8HbAG-JHPJmo4VnjQyd/view?usp=sharing	
2714 College Ave, Berkeley, CA 94705	2714 College Ave	Zillow	Listing removed 10/7/2018	9/18/2020	The Berkeley Group		Home for rent	https://www.zillow.com/homedetails/2714-College-Ave-Berkeley-CA-94705/2090929564_zpid/	https://drive.google.com/file/d/1hRIHohQ7L-mlyXcGx-O_OymQVTzE4e/view?usp=sharing	Off market
1036 Carleton St, Berkeley, CA 94710	1036 Carleton St	Zillow	Listed 10/18/2017; sold 11/16/17	9/18/2020	The Grubb Company		Home for rent	https://www.zillow.com/homedetails/1036-Carleton-St-Berkeley-CA-94710/24832655_zpid/	https://drive.google.com/file/d/13YdFH8w5c7coMJIWwJSh4XKMqgmN9T-H/view?usp=sharing	Sold in 2017
\$2,595.00 / 2 br / 1.0 ba / 820 sqft Newly renovated South Berkeley top floor LARGE apartment	1614 Alcatraz Ave, Unit A	Tenantturner	8/20/2020	9/18/2020	Keyrenter East Bay Property Management		Apartment in apartment building	https://app.tenantturner.com/qualify/1614-alcatraz-ave	https://drive.google.com/file/d/1cETzqyb117yuiQvJAYk9FTgVfaectG/view?usp=sharing	"This property is not available for tenants with a bankruptcy, a judgment, an eviction, recent felonies against people or property, a housing voucher, an income less than 2.0x rent, pets, a move in date too far out, or any unmet property requirements."
1629 Sixth Street - Upper	1629 Sixth Street	Tenantturner	8/21/2020	9/18/2020	Seville Property Management		Apartment in duplex	https://app.tenantturner.com/qualify/1629-sixth-street--upper	https://drive.google.com/file/d/16j2bPMk0a9qNgOTDmC_GCdY6HwpxJtS6/view?usp=sharing	"This property is not available for tenants with a housing voucher, an income less than 2.0x rent, pets, or any unmet property requirements."
\$3,550 / 3br - 1128ft2 - LOCATION LOCATION 3 plus rooms, 1.5 bathrooms (berkeley north / hills)	3219 King Street near Ashby	Craigslist, Trulia, Zillow, Hotpads	Craigslist, Zillow and Hotpads: 9/20/2020, Trulia: ???,	Craigslist: 9/23/2020, Trulia, Zillow, and Hotpads: 9/25/2020	Managed by owning family; contact Ann Carson at (510) 467-3442		Home for rent	Craigslist: https://sfbay.craigslist.org/eb/apa/d/berkeley-location-3-plus-rooms/7199540716.html Trulia: https://www.trulia.com/p/ca/berkeley/3219-king-st-berkeley-ca-94703-1001952033_zillow Zillow: https://www.zillow.com/homedetails/3219-King-St-Berkeley-CA-94703/24828441_zpid/ Hotpads: https://hotpads.com/3219-king-st-berkeley-ca-94703-sky4u/pad?keywords=section%208&lat=37.8708&lon=-122.3010&orderBy=experimentScore&z=12	Craigslist: https://drive.google.com/file/d/11VHEN7yVQDg8BYZD2rG60kOf6ook2Wviw7usp=sharing Trulia: https://drive.google.com/file/d/1QXn1LaeJ-Fbn-wc5kosMMuNlUp5K0z/viaw?usp=sharing Zillow: https://drive.google.com/file/d/1Q6B8LWuawcukPAGRPaxVakbeWlUJvV/view?usp=sharing	On Craigslist: Also mandates background check. On Trulia, Zillow, and Hotpads: "We seek employed or financially sound applicants, honest, respectful, people, section 8 is not available, and their is a back ground check, charge."

Source of Income Housing Discrimination

You can use this form to report incidents where landlords discriminated against prospective tenants because of their source of income. This includes cases where landlords advertised Berkeley rental property as unavailable to applicants with "Section 8" or other housing vouchers that subsidize their rent, or where landlords expressed a preference for renters not receiving rental assistance from benefit or subsidy programs.

* Required

1. What is the address of the rental property? *

2. When did you see the posting? *

Example: January 7, 2019

3. Please describe the nature of discrimination. For example, the landlord may have written "No Section 8" on a listing, expressed bias against housing voucher holders over the phone or in an email, or failed to show up to a viewing after learning that you were a voucher holder. *

4. What type of rental housing was advertised? *

Mark only one oval.

- Unit in an apartment complex
- Unit in a duplex
- Unit in a triplex
- Accessory dwelling space (aka an "in-law apartment" or "granny flat")
- Room or rooms in a single-family home with common indoor living spaces
- Room or rooms in a multi-family home with common indoor living spaces
- House for rent
- Other: _____

5. Is the property managed by a property management agency? If so, please provide its name. *

6. Where did you see the property listed? *

Mark only one oval.

- Craigslist.org
- Zillow.com
- Apartments.com
- Trulia.com
- Rent.com
- ForRent.com
- Facebook.com
- Other: _____

7. Please provide a link to the apartment listing, if available.

8. Thank you for helping to make Berkeley a more welcoming city for residents with housing vouchers. Please provide any questions or concerns you may have in the space below.

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