

CITY ATTORNEY ANALYSIS
MEASURE AMENDING RENT STABILIZATION AND EVICTION FOR GOOD CAUSE
ORDINANCE

This measure would amend the Rent Stabilization and Eviction for Good Cause Ordinance (BMC Chapter 13.76) in the following respects.

It would require that landlords pay \$15,000 to all tenant households evicted for owner move-ins (OMI), with an additional \$5,000 (\$20,000 maximum per rental unit) for low-income, disabled, elderly, families with minor children, or tenancies that began prior to 1999, and would allow a Rent Board hearing examiner to adjudicate disputes as to tenants' eligibility to receive the additional \$5,000.

It would also prohibit owner move-in evictions of families with school-age children during the academic year.

It would change the term "residential rental units" to "residential units" in Section 13.76.130A.9.k.(i) to protect seniors and disabled tenants who have occupied their units for five or more years from OMI evictions if their landlord owns three or more total residential units in Berkeley.

It would clarify that security deposits shall bear interest at a rate equal to the 12-month average of the average rates of interest paid on six-month certificates of deposit by banks doing business in Berkeley.

It would clarify that Annual General Adjustments may be restored.

It would clarify that fraternity and sorority rooms occupied by active members of the fraternity or sorority are exempt from the Ordinance.

It would clarify that only units that received a certificate of occupancy after June 30, 1980, are exempt from rent controls and registration as new construction.

It would require filing of eviction notices with the Rent Board.

The Ordinance currently requires landlords to provide relocation assistance of \$4,500 to low-income tenants, but not other tenants, who are evicted from their units for owner occupancy. The proposed amendments would increase this amount to \$15,000, and require that it be paid to all tenant households evicted for owner move-ins, with an additional \$5,000 for certain categories of tenants.

s/ZACH COWAN
Berkeley City Attorney