

BERKELEY RENTAL NEWS

Newsletter of the Berkeley Rent Stabilization Board

NEW RULES FOR OWNER/ RELATIVE MOVE-IN EVICTIONS

MEASURE Y PASSES

Measure Y, which passed in the November election, amends the owner/relative move-in eviction provisions of the Berkeley Rent Stabilization Ordinance. The following new rules apply:

OWNER/RELATIVE EVICTIONS ARE PROHIBITED IF:

1. The landlord owns less than a 50% recorded interest in the property.
2. A tenant in the unit has lived on the property for 5 or more years and the landlord has a 10% or greater ownership interest in 5 or more residential units in Berkeley.
3. A tenant in the unit is at least 60 years old or disabled, has lived on the property for 5 or more years and the landlord has a 10% or greater ownership interest in 4 residential units in Berkeley.

Exceptions: The eviction prohibitions described in #2 and #3 above do not apply where all of the landlord's units in Berkeley are occupied by tenants described in #2 and #3 and: (a) the landlord's relative is at least 60 years old or disabled; (b) the landlord has owned the property for 5 years and is at least 60 years old or disabled; or (c) the landlord owns three or fewer rental units in Berkeley.

4. The landlord owns a comparable unit in Berkeley that is or has been vacant and available for rent within the last 90 days.

LANDLORD AND TENANT OBLIGATIONS IN ALL OWNER/RELATIVE TERMINATIONS:

1. The landlord must offer the tenant any unit that the landlord owns in Berkeley that becomes available before the tenant vacates his or her unit. (The rent for the new unit will be based on the rent of the vacated unit with adjustments for differences between the units.)
2. The landlord must provide a \$4,500 relocation assistance payment to any low-income tenant who has resided in the unit for one year or more **but only if the tenant notifies the landlord and the Rent Board in writing that he/she is claiming low-income tenant status within thirty days from receipt of the Notice of Termination of the tenancy.** The guidelines for eligibility for low-income status can be obtained from the Rent Board.
3. The landlord or relative must move into the unit within three months of the termination and must live in the unit for 36 months.
4. The landlord must give the terminated tenant the right to re-occupy the unit when the landlord or relative moves out.
5. The landlord must notify the tenant in writing of the landlord's ownership interest in any residential properties in Berkeley where the interest is 10% or greater. A copy must be filed with the Rent Board within 10 days.

SECURITY DEPOSIT INTEREST MUST BE RETURNED TO TENANTS BY JANUARY 10th.



Berkeley's Rent Ordinance requires nearly ALL landlords, including landlords of most units that are exempt from registration, to place security deposits in interest-bearing accounts and return the interest earned to the tenant each December. The refund of interest may be made by check or by authorizing a deduction from the January rent payment. A tenant who has not received interest by January 10th is entitled to interest calculated at 10% and may, after giving notice to the landlord, deduct it from the rent.



2001 ANNUAL GENERAL ADJUSTMENT (AGA) ORDER.

Beginning January 1, 2001, the 2001 AGA Order allows rent ceilings to be adjusted upward by \$10.00, plus an additional \$8.00 if the landlord pays for all gas or heat service to the unit.



60 DAYS WRITTEN NOTICE REQUIRED FOR SOME RENT INCREASES

Effective January 1, 2001, state law requires landlords to give 60 days written notice for any rent increase greater than 10%. Increases are rarely permitted for rent-controlled units, but might be permitted for certain capital improvements or for other unusual circumstances. Notices given before 1/1/2001 are not affected.

TRANSFER OF ELLIS ORDINANCE ADMINISTRATION

The Berkeley City Council has approved the transfer of the administrative responsibilities associated with the City's Ellis Implementation Ordinance from the Housing Department to the Rent Stabilization Board. The Rent Board will be responsible for administering eviction notice requirements and relocation aspects of the Ellis Implementation Ordinance.



NEW BOARD MEMBERS START TERMS

Board members-elect Judy Ann Alberti, Paul Hogarth, Matthew Siegel and Max Anderson (re-elected) were sworn in at the December 7, 2000 Board meeting. The nine Board Commissioners are:

- MAX ANDERSON,**
- CHAIRPERSON**
- SHARON MALDONADO**
- MARC JANOWITZ**
- STEPHANIE BERNAY,**
- VICE CHAIR**
- SELMA SPECTOR**
- LARRY HARRIS**
- MATTHEW SIEGEL**
- PAUL HOGARTH**
- JUDY ANN ALBERTI**

On November 18, 2000, the Board said good-bye and thanked outgoing Board Chairperson Randy Silverman, and Commissioners Mona Patel and Kim Kruckel.



CHECK OUT OUR WEBSITE:

WWW.CI.BERKELEY.CA.US/RENT

STATE AND LOCAL LAWS REQUIRE EFFECTIVE WATERPROOFING AND WEATHER PROTECTION

All residential units in Berkeley must be safe and habitable. This is important especially during the winter months. All units must have effective waterproofing protection of the roof and exterior walls, as well as heating and plumbing facilities in good working order. Tenants should follow up any oral requests for repairs with a written notification. If the landlord fails to make the repairs and the condition impairs the tenant's use of and benefit from the unit, the tenant can file a Rent Board petition requesting a rent ceiling decrease.

For an inspection when there are uncorrected deficiencies in the unit, call the Residential Rental Inspection Program at (510) 644-6445.

FREE - FREE - FREE -

Construction
Maintenance
Seismic Services

To qualified low-income individuals

Services include: structural/non-structural hazard mitigation, grab bars, plumbing, electric, carpentry, and more! Call for information.

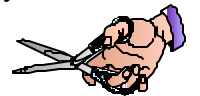
Community Energy Services Corporation
644-8546 x206

LA OFICINA DE CONTROL DE RENTAS. SI USTED GUSTA ESTA INFORMACION EN ESPANOL, FAVOR DE LLAMAR Y PREGUNTAR POR SANDRA PARDO (510) 644-6128 EXT. 122, O CARLOS RIOS 644-6128 EXT. 121.



RENT BOARD INFORMATION

Address and Phone:
Rent Stabilization Board
2125 Milvia Street
Berkeley, CA 94704
(510) 644-6128
Office Hours:
Mon.- Tues., Thurs.-Fri.,
9:00 a.m. - 4:45 p.m.
Wed. 12:00 noon - 4:45 p.m.
E-mail:
rent@ci.berkeley.ca.us



Other Important Phone Numbers

- City of Berkeley:**
Fire Prevention981-5585
Garbage Collection..... 644-8856
Health Department..... 644-6510
Housing Inspections644-6445
- Other:**
ASUC Renters Legal Assistance 642-1755
Berkeley Dispute Resolution Service 428-1811
Berkeley Black Property Owners Assoc..... 595-3304
Berkeley Property Owners Assoc 525-3666
Dept. of Fair Employment and Housing800-884-2684
Dept. of Consumer Affairs800-344-9940
East Bay Community Law Center 548-4040
East Bay Municipal Utility District 232-5051
Eviction Defense Center 452-4541
Housing Rights, Inc..... 548-8776
Lawyer Referral Service 893-8683
Lawyers in the Library
Claremont..... 644-6880
North Berkeley 644-6860
West Berkeley 644-6870
Community Legal Aid Society 451-9261
Legal Assistance for Seniors 832-3040
Sentinel Fair Housing.... 836-2687
Small Claims Information 644-6303
Tenants Action Project.. 843-6601