

BERKELEY RENTAL NEWS

Newsletter of the Berkeley Rent Stabilization Board

New State Law Affects Landlords and Tenants

A new law took effect on January 1, 2002, (S.B. 985) that imposes several new requirements on landlords. Among other things, the law requires landlords to provide certain information in their leases and eviction notices, including the landlord's or the landlord's agent's name, address, and phone number, to whom and how rent is to be paid, and to whom notices are to be given. The law also requires landlords to provide tenants with a copy of the lease or rental agreement within 15 days of the tenants' signing, and allows tenants to request a copy of their lease or rental agreement once a calendar year thereafter. If there is no written lease, the landlord or the landlord's agent must provide a written statement containing the required information. The specific requirements are outlined below:

New Lease Requirements

1. The name, address and phone number of each person who is authorized to manage the property and to receive notices must be provided in the lease or rental agreement (or written statement) or in at least two conspicuous postings on the property.
2. The lease or rental agreement (or written statement) must include the name, address and phone number of the person designated to receive rent payments. If the required information is not provided, the tenant may pay rent to the person with whom they entered into the rental agreement.
3. Unless the agreement specifies otherwise, any form of payment (i.e., cash, check, money order) will be considered acceptable. If the rent is to be paid in person, the agreement must include the days and hours payments will be accepted. If the rent can only be paid by mail, then it is presumed paid on the date it is mailed, if the tenant obtains a certificate of mailing from the post office. If rent is to be paid at a financial institution, the institution must be within 5 miles of the tenant's residence.
4. Landlords must provide tenants with a copy of their lease or rental agreement within 15 days of the date it is signed and, thereafter, within 15 days of the date of the tenant's request, provided such requests are made no more than once a calendar year. If there is no written lease, the landlord must provide a written statement that contains the required information.

3-Day Notice Requirements

1. A 3-Day Notice must specify the rental amount due, and the name, address, and telephone number of the person to whom the rent should be paid.
2. If the payment may be personally delivered, the notice must include the days and hours it will be accepted. If the address does not allow for personal delivery (i.e., P.O. Box), then the payment is presumed received on the date it is mailed, provided the tenant can show proof of mailing.

For a copy of the legislation, visit www.leginfo.ca.gov and select Bill Information, SB 985 (Kuehl).

Rent Board Video Project

The Rent Board will videotape the condition of your apartment: if you're a tenant, you can request that your unit be videotaped; if a landlord, only if your unit is vacant. The purpose of this free program is to prevent potential disputes over unit conditions and responsibility for damages. Videotapes may be used to establish whether or not tenants have left a unit in the same condition it was in at the beginning of their tenancy or to document severe habitability problems. These tapes may be used as evidence during hearings to determine the appropriate distribution of security deposit monies or to request rent ceiling adjustments for code or habitability violations that are not promptly corrected.



Got Questions?

What is my Rent Ceiling?
What information must an eviction notice include?
How do I request a housing inspection?
Can I see a copy of the Ordinance or Regulations?

Get Answers!

At: www.ci.berkeley.ca.us/rent

or

call: 510 644-6128

or

email: rent@ci.berkeley.ca.us



New Regulations Affecting Ellis Act and Owner Move-In Evictions

These regulations were enacted to discourage landlords from creating vacancies by issuing eviction notices for Owner/family move-in or pursuant to the Ellis Act, and then withdrawing the notices, claiming eligibility for Costa-Hawkins vacancy rent increases.

Regulation 1015

The Ellis Ordinance, a Berkeley law, establishes requirements, procedures, and restrictions for the withdrawal of residential rental units from the rental market. Under this Ordinance, if tenants are served Notice that their landlord intends to remove their units from rent or lease, constraints are automatically recorded on the property to give notice of the owner's ten-year responsibility to the evicted tenants. Board Regulation 1015, adopted in September 2001, addresses the removal of constraints placed on a property pursuant to an Ellis Act filing before the expiration of the ten-year period, and authorizes the earlier removal only if:



- the landlord establishes that no vacancies occurred as a result of the Ellis filing **and**
- the landlord alleges no knowledge of any vacancies that will occur within one year of the filing **or**
- there are exceptional circumstances that warrant the removal of the constraints.

Regulation 1016

Measure Y, a Berkeley law passed in 2000, establishes requirements, procedures, restrictions and conditions for the eviction of a tenant so that an owner or owner's partner, parent or child can move in. Board Regulation 1016, adopted in September 2001, creates a presumption that a tenant who vacates a unit within a year of receiving a notice of termination of tenancy for owner/relative occupancy, vacated as a consequence of receiving the notice. This means if the owner gives notice to evict for owner/relative move-in, even if the notice is withdrawn, then if the tenant vacates within a year, the owner may not raise the rent for the next tenant. The Costa-Hawkins Rental Housing Act does not permit owners to establish an initial rent for a vacancy that results from a 30-day notice.

Security Deposit Interest Now Overdue

Berkeley law requires landlords to place security deposit monies in an interest-bearing account for the benefit of the tenants, and to return the actual interest earned on that account each year in December. If, however, the interest due is not paid to the tenants by January 10th, Board Regulation 704 allows tenants to deduct interest, calculated at 10%, from the rent after they give the landlord two weeks' written notice.

Lawful Rent Ceiling Notices

These will be sent to landlords and tenants in March. **Landlords:** be sure to get your VRs in ASAP to avoid possible discrepancies between RSB records and your actual rents. New tenancies must be reported within 15 days of renting. If not timely reported, you may be ineligible for rent increases.

New Office Hours in March

The Rent Stabilization Board office will be open until 6:30 p.m. on Wednesday nights during the month of March. If this benefits people who are unable to contact us during regular business hours, we will consider making it a permanent change.

Ask The Rent Board

This RSB column, which provides useful information and solutions to real rental problems, has appeared biweekly in *The Berkeley Voice* for more than 3 years. Look for it soon in the *Berkeley Daily Planet* as well.

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 Stabilization Board

2125 Milvia Street Berkeley, CA 94704
 (510) 644-6128 phone (510) 644-7723 fax
 E-mail: rent@ci.berkeley.ca.us
 Website: www.ci.berkeley.ca.us/rent
 Office Hours:
 Mon.-Tues., Thurs.-Fri., 9:00 a.m. - 4:45 p.m.
 Wed. 12:00 noon - 4:45 p.m.

Other Important Phone Numbers

City Of Berkeley:

Fire Prevention 981-5585
 Garbage Collection 981-6350
 Health Department 644-6510
 Housing Inspections 981-5444
 Relocation Program 981-5413



Other:

ASUC Renters Legal Assistance 642-1755
 Berkeley Dispute Resolution Service 428-1811
 Berkeley Black Property Owners Association. 595-3304
 Berkeley Property Owners Association..... 525-3666
 Community Legal Aid Society 451-9261
 Dept. of Fair Employment and Housing.....800-884-2684
 Dept. of Consumer Affairs.....800-344-9940
 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 644-6850
 South Berkeley 644-6860
 West Berkeley 644-6870
 Legal Assistance for Seniors 832-3040
 Property Records 981-7300
 Sentinel Fair Housing 836-2687
 Small Claims Information..... 644-6303