

## **RESOLUTION 17-07**

### **ESTABLISHING THE REGISTRATION FEE FOR FRATERNITIES AND SORORITIES FOR THE SUMMER RENTAL PERIOD DURING THE 2017-18 FISCAL YEAR**

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

WHEREAS, for over thirty-six years neither fraternities or sororities were expressly exempt from the provisions of the Rent Stabilization Ordinance; and

WHEREAS, as early as 1982, the City Attorney crafted legal opinions for the Rent Board and City Council that confirmed the applicability of the ordinance to fraternities and sororities due to their similarity to rooming houses; and

WHEREAS, the Board did not charge a number of fraternities for Registration Fees before the 2012 – 2013 fiscal year, because the Board was not made aware that fraternities were routinely renting to non-members during the summer months; and

WHEREAS, when the Board became aware of these summer rentals, the Commissioners authorized an amnesty program wherein the fraternities were only charged fees for three years and all penalties were forgiven; and

WHEREAS, by Resolution 12-07, the Board initiated a pilot program during the 2012 – 2013 fiscal year to charge all qualifying fraternities \$50 per unit for summer rentals to non-members in order to meet the anticipated costs for implementing services related to this discreet group of summer fraternity rentals; and

WHEREAS, Board staff was largely successful in registering fraternities' summer tenancies; and

WHEREAS, before the 2013 – 2014 fiscal year, staff investigated summer rentals in sororities and found that the vast majority of sorority rooms did NOT qualify as controlled rental units; and

WHEREAS, the Board adopted Resolution 13-04 on May 13, 2013, which made clear that the Board wishes to continue to charge a reduced fee for summer rentals in fraternities and wishes to extend the same option to sororities should they decide to provide housing to non-member summer tenants; and

WHEREAS, the Board adopted similar resolutions in 2014, 2015 and 2016 which made clear that the Board wishes to continue to charge a reduced fee for summer rentals in fraternities and wishes to extend the same option to sororities should they decide to provide housing to non-member summer tenants; and

**RESOLUTION NO. 17-07**

**ESTABLISHING THE REGISTRATION FEE FOR FRATERNITIES FOR THE  
SUMMER RENTAL PERIOD DURING THE 2017-2018 FISCAL YEAR (Page 2)**

WHEREAS, with the passage of Measure AA, fraternities and sororities are now exempt under the Berkeley Rent Stabilization and Eviction for Good Cause Ordinance (B.M.C. 13.76.050M) as long as a rental unit or room is rented to an active member of the chapter and that chapter owns the fraternity or sorority where the member is residing; and

WHEREAS, on April 24, 2017, the Board adopted Rent Board Regulation 520 specifying that rental units located within a fraternity or sorority that is occupied by a non-member is subject to all sections of the Rent Control Ordinance and that tenants who occupy rental units for only part of the year in such chapters shall be considered “authorized seasonal rentals” and those rooms/units shall be charged a reduced registration fee; and

WHEREAS, on April 24, 2017 the Board adopted Rent Board Regulation 808 specifying that an “authorized seasonal rental” of a fraternity or sorority is a rental that occurs during the summer months and that the Board is authorized to charge a reduced registration fee for these rentals and said fee shall be set when the Board sets its annual fee for all units.

NOW THEREFORE, BE IT RESOLVED that for the 2017-18 registration year, the reduced registration fee for authorized seasonal rentals for qualifying fraternities and sororities shall be \$70 per unit for summer rentals to non-members in order to meet the anticipated costs for implementing services related to this discreet group of summer fraternity/sorority rentals; and

BE IT FURTHER RESOLVED that for purposes of this Resolution, the “Summer Rental Period” shall be May 13, 2017, through August 15, 2017; and

BE IT FURTHER RESOLVED that if a non-fraternity/non-sorority member remains a tenant during any time outside of the Summer Rental Period, the fraternity/sorority shall be required to pay a full registration fee as defined by Resolution 17 -06 for the rental unit; and

BE IT FURTHER RESOLVED that fraternities and sororities shall be required to submit Fraternity/Sorority Summer Registration Forms for each rental to a non-member living at the chapter during the Summer Rental Period; and

BE IT FURTHER RESOLVED that fraternities and sororities shall post a copy of this Fraternity/Sorority Summer Registration Form in a clearly visible space in the room/unit occupied by the non-member tenant throughout the entirety of the Summer Rental Period; and

BE IT FURTHER RESOLVED that all fraternities and sororities shall provide a permanent contact person to whom Board staff can send a bill (this person should not be a student, as the Board intends to maintain contact with this representative for all matters related to current and future registration and billing); and

## **RESOLUTION NO. 17-07**

### **ESTABLISHING THE REGISTRATION FEE FOR FRATERNITIES FOR THE SUMMER RENTAL PERIOD DURING THE 2017-2018 FISCAL YEAR (Page 3)**

BE IT FURTHER RESOLVED that, this Resolution incorporates by reference the fraternities listed in Board Resolutions 12-07,13-04, 14-04, 15-03 and 16-03 that qualify for the Summer Rental Period Fee and adds the following sororities to the list of qualifying chapters for the Summer Rental Period Fee for the 2016-2017 fiscal year:

1. Kappa Alpha Theta (2723 Durant Avenue)
2. Pi Beta Phi (2325 Piedmont Avenue)
3. Delta Gamma (2710 Channing Way)
4. Delta Delta Delta (2300 Warring Street)
5. Alpha Chi Omega (2313 Warring Street)
6. Sigma Kappa (2409 Warring Street)
7. Alpha Delta Pi (2400 Piedmont Avenue)
8. Gamma Phi Beta (2732 Channing Way)
9. Chi Omega (2421 Piedmont Avenue)
10. Alpha Phi (2830 Bancroft Steps)
11. Alpha Omicron Pi (2311 Prospect Street)
12. Kappa Kappa Gamma (2328 Piedmont Avenue)

BE IT FURTHER RESOLVED that the Board shall revisit the issue of which fraternities and sororities qualify for a reduced Summer Rental Period registration fee should the Board wish to adopt a similar fee in future years; and

BE IT FURTHER RESOLVED that if another fraternity or sorority not identified by this Resolution submits a claim that it should qualify for the reduced Summer Rental Period registration fee, the fraternity/sorority shall submit its claim to the Board, and staff shall review any such claim and determine its eligibility; such determination may be appealed to the Board as other claims of exemption are reviewed; and

BE IT FURTHER RESOLVED that in no case shall a fraternity or sorority be permitted to participate in this program to pay a reduced registration fee for the Summer Rental Period for the 2017-2018 fiscal year unless that fraternity/sorority has fully resolved any past due Board registration fees and is otherwise in compliance with the Rent Ordinance registration requirements; and

**RESOLUTION NO. 17-07**

ESTABLISHING THE REGISTRATION FEE FOR FRATERNITIES FOR THE SUMMER RENTAL PERIOD DURING THE 2017-2018 FISCAL YEAR (**Page 4**)

BE IT FURTHER RESOLVED that Board staff shall be empowered to investigate and inspect fraternities and sororities during the Summer Rental Period to ensure they are complying with the terms of this Resolution; and

BE IT FURTHER RESOLVED that Board staff is authorized to develop rules and procedures to implement the counseling, registration, and services associated with this program; and

BE IT FURTHER RESOLVED that violations of terms set forth in this Resolution shall require Board staff to charge fraternities and sororities a full registration fee for all units where violations are found and require that Board staff charge penalties allowed by Berkeley Municipal Code Section 13.76.080.

Dated: May 15, 2017

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

YES: Chang, Laverde-Levine, Murphy, Simon-Weisberg, Soto-Vigil, Townley, Tregub, Selawsky

NO: None

ABSTAIN: None

ABSENT: None

---

John Selawsky, Chairperson  
Rent Stabilization Board

Attest: \_\_\_\_\_  
Jay Kelekian, Executive Director