



Rent Stabilization Board

SPANISH, CANTONESE AND MANDARIN translations of this letter can be provided, please call (510) 981-7368. Para la traducción en español de esta carta, por favor llame al (510) 981-7368.

November 14 2014

Re: 2015 Annual General Adjustment Order is 2%; 2014 security deposit interest rate is 0.1%.

Dear Berkeley Landlord/Property Manager:

The Berkeley Rent Stabilization Board has published the 2015 Annual General Adjustment (AGA) Order for all qualifying tenancies. Beginning January 1, 2015, this AGA Order adjusts rent ceilings upward by 2%. For example, if the monthly rent ceiling were \$1,000, the AGA would be \$20.00. In accordance with Berkeley's Rent Ordinance, the AGA is equal to 65% of the increase in the Bay Area Consumer Price Index for the last fiscal year. The full text of the AGA Order is available on our website at www.cityofberkeley.info/rent or at our office.

Units that had an initial rent set for a new tenancy in 2014 are not eligible for the 2015 AGA.

You are not required to take an AGA increase each year. The increase may be "banked." If you wish to increase the rent to the lawful rent ceiling at a later date, you may do so after proper written notice. State law requires a written thirty-day notice for an increase of 10% or less and a written sixty-day notice for an increase over 10%.

For your convenience, the apparent 2014 lawful rent ceilings for rent-controlled units and an AGA calculator are available on our website. Rent increases are not permitted to be rounded up to the nearest dollar. We have also provided a sample copy of a Thirty-Day Notice of Rent Increase on the back of this letter.

For AGA eligibility you are required to refund annual interest on tenants' security deposits.

The interest rate to be paid this year is 0.1% (one tenth of one percent). AS OF NOVEMBER 2013, THE INTEREST ON SECURITY DEPOSIT LAW HAS CHANGED: Berkeley property owners may **only** use the "Berkeley Bank Rate" regardless of whether the security deposit is held in a bank located in Berkeley. Landlords are no longer required to notify the Board that deposit money is kept in Berkeley banks. For more information on the recent change to the interest on security deposit law, please visit the link titled "**Security Deposit Interest Information and Calculator**" on the front page of our website. For your convenience a security deposit interest calculator is available on our website.

Finally, as a reminder, for tenancies that commenced **before** January 1, 1999, you may pass through a portion of the 2014/2015 registration fee as a general increase (Resolution 14-03). This increase, which may be up to \$4 per month for 12 consecutive months, will not become part of the permanent rent ceiling. Landlords must serve notice for the \$4 pass-through on or before December 1, 2014, to receive their full pass-through. More information on the pass-through is provided on our website.

Sincerely,

Jay Kelekian, Executive Director

Thirty-Day Notice of Rent Increase

This notice is provided pursuant to the 2015 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 2015 AGA Order adjusts 2014 rent ceilings by 2% for qualifying tenancies that began prior to January 1, 2014.

Your rent will increase by \$ _____ pursuant to the 2015 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.)

NOTICE: Landlords may not evict tenants except for good cause and with proper legal notice as provided in the Rent Stabilization Ordinance. The mere expiration of a lease agreement does not automatically terminate a tenancy under the Berkeley Rent Ordinance.

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 4:45 p.m., Monday, Tuesday, Thursday and Friday and from 12:00 p.m. to 6:30 p.m. on Wednesday; telephone (510) 981-7368.

Date

Landlord/Manager

IMPORTANT LEGISLATIVE UPDATES FOR OWNERS

Over the past couple of years, several important new laws have been enacted or taken effect. We have provided a brief overview of these laws, which directly affect tenants in residential rental property in Berkeley. Please do not hesitate to contact a Berkeley Rent Board Housing Counselor at 510-981-RENT if you have questions about any of these updates.

- **Revised Security Deposit Interest Regulation:** Given that the Federal Reserve Board ceased publication of the H.15 rate in July of 2013, the Board amended Regulation 702 to mandate that tenants' security deposits earn interest only at the "Berkeley Bank Rate." **As of November 2013, Berkeley property owners may only use the "Berkeley Bank Rate," which is 0.1%, regardless of whether the security deposit is held in a bank located in Berkeley.** For further clarification, please call (510) 981-RENT.
- **Tenant Screening Fees Law:** The Berkeley City Council adopted a new ordinance on tenant screening fees effective January 1, 2013. Before collecting a fee from prospective tenants to run a credit check or process a rental application, landlords must now furnish a "Tenant Screening Fee Rights" statement and disclose the maximum fee allowed under state law (Civil Code section 1950.6 (b)). Tenants are entitled to a copy of the credit report, a receipt and any unused portion of the fee. The current cap on screening fees is \$45.16. More information on the Tenant Screening Fee Rights statement can be found on the Rent Board website.
- **Smoking Prohibited in all Multi-unit Properties:** Effective May 1, 2014, by way of City Council legislation, smoking is prohibited in all multi-unit residences and common areas of multi-unit residences. The Health, Housing, and Community Services Department will enforce the smoking prohibition, and violators may be fined \$100, \$200, or \$500 depending on the number of violations a resident has incurred. Landlords **MUST** include a smoking prohibition clause in all new rental agreements for new tenancies. A good cause will generally not exist to evict a tenant smoking in his/her unit unless the lease expressly prohibits smoking. While a landlord may not unilaterally impose a smoking prohibition on existing leases where no such prohibition currently exists, the Board encourages all landlords and tenants to mutually agree to a lease addendum prohibiting smoking to ensure safe and healthy housing for all. A sample lease addendum prohibiting smoking is available on our website.
- **Recycling Requirements for Multi-unit Properties:** Both the state of California and Alameda County have adopted new mandatory recycling requirements. Property owners of residential properties of five units or more **must provide adequate recycling services (including containers for compostables) for their tenants.** Basic recycling information needs to be provided to all tenants annually and upon move-in and move-out. Printable Tenant Recycling Guides are available at the Rent Board's website.
- **Rooming House Regulation for Multi-unit Properties:** If a rental unit contains four or more bedrooms rented separately under individual leases, your unit/room may be considered a rooming house and your rent control rights may be affected. Rooms in rooming houses must be registered individually with the Berkeley Rent Stabilization Program. To check on the status of your unit, please contact a Housing Counselor at 981-RENT and describe the lease situation.
- **State Carbon Monoxide Device Requirements:** As of January 1, 2013, all residential multi-unit dwellings have been required to have carbon monoxide detecting devices installed in each existing dwelling unit that is equipped with fossil fuel burning appliances, fireplace(s), or has an attached garage. All single-family residential units were required to have such devices installed by July 1, 2011.

Visit the Rent Board's website at www.cityofberkeley.info/rent/ for additional helpful information.

IMPORTANT LEGISLATIVE UPDATES FOR OWNERS – page 2

Below please find an overview of the City of Berkeley's Smoke-Free Multi-Unit Housing ordinance, which went into effect on **May 1, 2014**. This ordinance directly affects tenants and owners of residential rental property in Berkeley. Please do not hesitate to contact the City of Berkeley's Tobacco Prevention Program at 510-981-5330 if you have questions about this specific ordinance, or other anti-tobacco city ordinances.

Berkeley Municipal Code Section 12.70.035: Effective May 1, 2014, smoking is prohibited in all units of multi-unit residences and all common areas of multi-unit residences (two or more units). This also includes common areas such as private decks, balconies, and porches of units. Owners are required post no smoking signs on the property.

Medical Cannabis The use of medical cannabis by a person for whom using medical cannabis is not a crime under California law is exempt from this law.

Signage Owners and managers of buildings must post "No Smoking" sign(s) on their buildings. Signage must be consistent with the signposting requirements of Berkeley Municipal Code Section 12.70.060. Signs can be downloaded at www.cityofberkeley.info/smoke-free_MUH

Leases Include non-smoking provisions for all new leases initiated after May 1, 2014. Offer a voluntary non-smoking lease addendum for all current leases. A sample lease addendum can be downloaded at www.cityofberkeley.info/smoke-free_MUH

Enforcement Enforcement is a complaint-driven process that must be initiated by tenants of multi-unit residences. Complaint forms can be downloaded at www.cityofberkeley.info/smoke-free_MUH

Frequently Asked Questions:

Q: I live next door to a multi-unit housing complex. Can I submit a complaint?

A: No. Only tenants of the complex can submit a complaint.

Q: I live in a single-family home with a detached in-law in my backyard that I rent to a tenant. There are no shared walls or ceilings. Does the ordinance apply?

A: No.

Q: I own a condo that is a unit in a larger building. I share walls and ceilings with my neighbors. Does the ordinance apply?

A: Yes.

*The City of Berkeley Tobacco Prevention Program is currently available to conduct 15-20 minute educational presentations to tenants, owners, & managers about the implementation and enforcement of the Smoke-Free Multi-Unit Housing policy in Berkeley, at a site of your choosing. **Please contact us at (510) 981-5330 or quitnow@cityofberkeley.info***

*Additionally the City of Berkeley Tobacco Prevention Program offers **FREE** cessation clinics. For smokers who are ready to take action for a tobacco free life, we encourage them to register for our **FREE** quit smoking session series. **To register please contact us at (510) 981-5330 or quitnow@cityofberkeley.info***

Visit the Rent Board's website at www.cityofberkeley.info/rent/ for additional helpful information.



Rent Stabilization Board

IMPORTANT INFORMATION FOR LANDLORDS AND TENANTS

► CALCULATING INTEREST ON TENANT SECURITY DEPOSITS

The interest rate to be paid in December 2014 for security deposits held from November 1, 2013 through October 31, 2014, is **0.1%**. As of November 2013, property **owners may now only use the “Berkeley Bank Rate”** when calculating the security deposit interest to return to tenants. For 2014, the “Berkeley Bank Rate” is 0.1% (one tenth of one percent). As the rate of interest is now only connected to the average interest paid by Berkeley banks, **landlords are no longer required to notify the Board when their deposit money is kept in Berkeley banks.**

Every December, Berkeley landlords are required to pay interest on tenants’ security deposits. State law defines a security deposit as any payment, fee, deposit or charge that is imposed at the beginning of the tenancy for the purpose of covering damages, cleaning expenses and unpaid rent. Money paid and designated “last month’s rent” is considered part of the deposit.

Given that the Federal Reserve Board ceased publication of the H.15 rate in July of 2013, the Board amended [Regulation 702](#) to mandate that tenants’ security deposits earn interest only at the "Berkeley Bank Rate." As of November 2013, Berkeley property owners may use the "Berkeley Bank Rate" regardless of whether the security deposit is held in a bank located in Berkeley.

If the annual interest refund payment is not made by January 10th, the tenant may recover interest at the rate of 10% by notifying the landlord in writing that the tenant intends to deduct the interest from a future rent payment.

► THE 2015 AGA CANNOT BE IMPOSED ON A RENTAL UNIT IF THE CURRENT TENANCY BEGAN IN 2014.

AGAs are intended to compensate landlords for the increases in maintenance, operating costs and inflation that occurred during the prior year. For tenancies that began in 2014 and for which the landlord was allowed to set the initial rent at a market rate, it is presumed that these increased costs were factored into the new rent. These tenancies will not be eligible for an AGA increase until 2016.

2125 Milvia Street, Berkeley, California 94704

TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4910

E-MAIL: rent@cityofberkeley.info • INTERNET: www.cityofberkeley.info/rent

► **THE 2015 AGA CANNOT BE IMPOSED IF THE PROPERTY IS NOT PROPERLY REGISTERED.**

The landlord must have registered **all** rental units at the property in accordance with the Rent Stabilization Ordinance and be in compliance with the orders and regulations of the Rent Board, including the requirement to promptly file a Vacancy Registration Form for any new tenancy commencing on or after January 1, 1996.

► **LANDLORDS MUST NOTIFY TENANTS OF RIGHT TO AN INSPECTION BEFORE TENANT VACATES.**

Under State law, landlords are obligated to inform tenants **in writing** that tenants have a right to a walkthrough inspection within the last two weeks of the tenancy after either party notifies the other party of the intention to terminate the tenancy. A landlord has no duty to perform this inspection if the tenants inform the landlord that they do not want it. Immediately after the walkthrough inspection, landlords are required to give the tenants an itemized list of repairs and cleaning that needs to be done to avoid authorized deductions from the security deposit. A landlord that fails to give the tenant a reasonable opportunity to correct problems may not be able to deduct for their repair. For additional information about rights and obligations concerning security deposits, call our housing counselors or visit our website at www.cityofberkeley/rent.

► **TENANTS IN BERKELEY CAN ONLY BE EVICTED FOR GOOD CAUSE.**

For most tenants, Berkeley's Rent Stabilization Ordinance prohibits evictions except for specific good causes listed in the Ordinance. For example, **a landlord cannot force a tenant to move just because the lease has expired or because the property has been foreclosed by the bank or lending institution.**

► **TENANTS DO NOT HAVE TO AGREE TO A UNILATERAL CHANGE IN THE TERMS OF THEIR LEASE.**

Under the rent control ordinance, a landlord cannot unilaterally change the terms of a tenant's lease or require the tenant to sign a new lease with different terms. If you are a tenant and your landlord insists or asks you to sign a new lease that is different from your original rental agreement, contact our office and speak to a housing counselor.

► **TENANTS HAVE A RIGHT TO SAFE AND HABITABLE HOUSING.**

If a rental unit has health and safety problems, such as a leaking roof, unsanitary plumbing or lack of heat, the landlord is required to fix them promptly. The tenant must first inform the landlord of the problem, preferably in writing. If the problem is not fixed, the tenant should request an inspection from a Berkeley Housing Inspector by calling (510) 981-5444. If violations are found, the landlord will be cited and required to correct any problems in the unit. The tenant may also petition the Rent Board for a temporary rent reduction for the period that the problem exists.

In addition, by July 1st each year, landlords are required under the Rental Housing Safety Program (RHSP) to certify on a City checklist form that their units meet housing safety standards. Landlords must provide a copy of the certification form to their tenants. For further information on the RHSP please call (510) 981-5445.



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November 17, 2014

Re: **2015 Annual General Adjustment** increase is **2%**; **2014** security deposit interest rate is **0.1%**.

Dear Berkeley Tenant:

The Berkeley Rent Stabilization Board has published the 2015 Annual General Adjustment (AGA) Order for all qualifying tenancies. Beginning January 1, 2015, this AGA Order adjusts rent ceilings upward by **2%**. For example, if the monthly rent ceiling were \$1,000, the AGA would be \$20.00 per month. In accordance with Berkeley's Rent Ordinance, the AGA is equal to 65% of the increase in the Bay Area Consumer Price Index for the last fiscal year. The full text of the AGA Order is available on our website at www.cityofberkeley.info/rent or at our office.

If your tenancy started in 2014, the landlord is not eligible for the 2015 AGA and your rent should remain unchanged in 2015.

The 2014 apparent lawful rent ceilings for rent-controlled units and an AGA calculator are available on our website. Landlords are not permitted to round increases up to the nearest dollar.

If your landlord is charging less than the full current lawful rent ceiling, the landlord may raise your rent to the ceiling any time after serving you with written notice of a rent increase. State law requires a written thirty-day notice for any rent increase of 10% or less and a written sixty-day notice for an increase over 10%.

Finally, a reminder: by the end of December, your landlord should refund annual interest on your security deposit. State law defines security deposits as any payment, fee, deposit or charge that is imposed at the beginning of the tenancy for the purpose of covering damages, cleaning expenses and unpaid rent. Money paid and designated "last month's rent" is considered part of the deposit. **AS OF NOVEMBER 2013, THE INTEREST ON SECURITY DEPOSIT LAW HAS CHANGED: Berkeley property owners may only use the "Berkeley Bank Rate," which is 0.1% (one tenth of one percent), regardless of whether the security deposit is held in a bank located in Berkeley.** For further clarification about this recent change to the security deposit interest law, please see the attached legislative update or call our housing counselors.

Please review the "Important Legislative Updates for Berkeley Tenants" information included with this letter, as well as the "Important Information for Landlords and Tenants" insert included in this envelope for more comprehensive information regarding updated rental housing laws and your rights. If you have questions, please contact one of our housing counselors at (510) 981-RENT.

Sincerely,

Jay Kelekian, Executive Director

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- **Smoking Prohibited in all Multi-unit Properties:** Effective May 1, 2014, by way of City Council legislation, smoking is prohibited in all multi-unit residences and common areas of multi-unit residences. Landlords must post signs in common areas notifying residents and guests that smoking is prohibited. The Health, Housing, and Community Services Department will enforce the smoking prohibition, and violators may be fined \$100, \$200, or \$500 depending on the number of violations a resident has incurred. Landlords **MUST** include a smoking prohibition clause in all new rental agreements for new tenancies. A good cause will generally not exist to evict a tenant smoking in his/her unit unless the lease expressly prohibits smoking. While a landlord may not unilaterally impose a smoking prohibition on existing leases where no such prohibition currently exists, the Board encourages all landlords and tenants to mutually agree to a lease addendum prohibiting smoking to ensure safe and healthy housing for all. A sample lease addendum (prepared by the Rent Board) prohibiting smoking is available on our website.
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Medical Cannabis The use of medical cannabis by a person for whom using medical cannabis is not a crime under California law is exempt from this law.

Leases All new leases initiated after May 1, 2014 must include a non-smoking provision. Property owners/landlords must offer a voluntary non-smoking lease addendum for all current leases. A copy of a sample lease addendum is available at <http://www.cityofberkeley.info/rent/>.

Enforcement

- Enforcement is a complaint-driven process that must be initiated by tenants of multi-unit residences & is outlined below:
- After receiving a complaint by a resident in the same complex, the City will notify the occupant that a complaint has been received.
- If within six months of the first complaint, two subsequent complaints are received by two residents (one resident if you live in a duplex), the City will issue an administrative citation.
- Repeat offenders may be issued infractions. The penalty is a financial fine determined by the City but ranges between \$100 -\$500 per citation. Fines may be appealed.
- Complaint forms can be downloaded at www.cityofberkeley.info/smoke-free_MUH

Frequently Asked Questions:

Q: I live next door to a multi-unit housing complex. Can I submit a complaint?

A: No. Only tenants of the complex can submit a complaint.

Q: I live in a single-family home with a detached in-law in my backyard that I rent to a tenant. There are no shared walls or ceilings. Does the ordinance apply?

A: No.

Q: Is the Smoke Free Multi-Unit Housing ordinance applicable only to tenants?

A: No, units occupied by an owner or property manager as well as condominiums, co-ops and other group living arrangements are covered. Residents are held responsible for the smoking-related behavior of guests while on the property.

*The City of Berkeley Tobacco Prevention Program is currently available to conduct 15-20 minute educational presentations to tenants, owners, & managers about the implementation and enforcement of the Smoke-Free Multi-Unit Housing policy in Berkeley, at a site of your choosing. **Please contact us at (510) 981-5330 or quitnow@cityofberkeley.info.***

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