



BERKELEY RENT BOARD

Rental Housing and COVID-19

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WEBINAR GOALS & EXPECTATIONS

- ▶ Participants will have a basic understanding of the Berkeley COVID-19 Emergency Response Ordinance and the rights and responsibilities associated with the Ordinance
- ▶ All questions should be submitted using the Q & A function
- ▶ Questions will be consolidated by topic and addressed at the end of the presentation
- ▶ Presentation is closed-captioned and will be posted on the Rent Board website (www.cityofberkeley.info/rent)

AGENDA

Webinar Goals and Expectations

Background

Berkeley COVID-19 Emergency Response Ordinance

Related Berkeley Ordinances and Regulations

Showing Rental Units During SiP

Rent Board Services During Shelter in Place

Question & Answer

510-981-7368 (RENT)
rent@cityofberkeley.info

BACKGROUND

- ▶ State of Emergency declared at national, state, local levels in response to COVID-19 global pandemic
- ▶ Governor Newsom's Executive Orders
- ▶ City of Berkeley: COVID-19 Emergency Response Ordinance bans most evictions during local state of emergency
- ▶ Alameda County Moratorium on Evictions
- ▶ Judicial Council Freeze on Unlawful Detainers during California State of Emergency

BERKELEY'S COVID-19 EMERGENCY RESPONSE ORDINANCE

- ▶ Limitations on Evictions - Residential and Commercial
- ▶ Delayed Payment of Rent
 - ▶ Covered Reasons
 - ▶ Documentation
- ▶ Back Rent and Late Fees
- ▶ Lease Termination

LIMITATION ON EVICTIONS IN BERKELEY

- ▶ Most evictions are prohibited in Berkeley
- ▶ Evictions are permitted pursuant to the Ellis Act or if necessary for the health and safety of residents
- ▶ A resident with COVID-19 or exposure to COVID-19, whether actual or suspected, does not constitute “necessary for the health and safety of residents”

COVERED REASONS FOR DELAYED PAYMENT OF RENT

- ▶ Inability to pay (full) rent is the result of a material decrease in household/occupant(s) income **AND**
- ▶ Material decrease was caused by the impacts of COVID-19 pandemic or government response to COVID-19
- ▶ **Examples:**
 - ▶ Layoffs or reduction of hours
 - ▶ Caregiving responsibilities
 - ▶ Substantial material out-of-pocket medical expenses
 - ▶ Reduction in the number of tenants in a group living arrangement

WHAT IF TENANTS CAN'T PAY FULL RENT?

▶ Notification

- ▶ In writing within seven days of rent being due (per Governor Executive Order)

- ▶ Template Form for Notification on [Rent Board website](#)

▶ Documentation of Covered Reason

- ▶ Tenant shall provide documentation within 45 days of LL's request or 30 days after the local State of Emergency is lifted, whichever is later
- ▶ Documentation must be kept in confidence

- ▶ COB Relief Paid to Property Owner shall reduce delayed rent owed

BACK RENT AND LATE FEES

- ▶ Tenants have up to 12 months after the expiration of the local State of Emergency to repay rent
- ▶ After 12 months, unpaid, overdue rent becomes a consumer debt
- ▶ Non-payment of rent after the local state of emergency is grounds for an eviction
- ▶ Both during and after the local State of Emergency, late fees are prohibited

RELATED BERKELEY ORDINANCES AND REGULATIONS

- ▶ Temporary Rent Reductions (Rent Board Regulation 1017.5)
- ▶ Lease Terminations (B.M.C. 13.78.017)

TEMPORARY RENT REDUCTIONS DURING STATE OF EMERGENCY

▶ Rent Board Regulation 1017.5

- ▶ Landlords and tenants can agree to a temporarily reduced rent during local state of emergency that can continue after emergency
- ▶ Applies to tenancies that began on or before March 3, 2020
- ▶ Discounted rent will not affect permanent rent ceiling
- ▶ Sample agreement for discounted rent available at [cityofberkeley.info/rent](https://www.cityofberkeley.info/rent)

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TENANT SCREENING AND LEASE FEES ORDINANCE - LEASE TERMINATION PROVISION

- ▶ Allows student tenants impacted by COVID-19 to terminate their leases without penalty with 30 days' notice
- ▶ **California Civil Code 1951.2 still applies:** landlords can still seek reimbursement, as long as landlord has sought to mitigate losses by seeking replacement tenants. Unpaid rent is not considered a penalty.
- ▶ Tenants and landlords can mutually agree to end the lease and allow the tenant to terminate their liabilities

SHOWING RENTAL UNITS DURING SHELTER-IN-PLACE

Shelter-in-Place order allows:

- ▶ Virtual viewings of residential units
- ▶ In-person viewings when virtual viewings are not feasible:
 - ▶ by appointment
 - ▶ occupant not present during the visit
 - ▶ one person showing the unit
 - ▶ two people from the same household visiting the unit
- ▶ Administration/Enforcement of the SiP Order: (510) 981-CITY

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COVID-19 HOUSING RETENTION GRANTS

- ▶ Funds are available to assist Berkeley tenants who are at imminent risk of losing their housing
- ▶ Eviction Defense Center is accepting new applications and can be reached at (510) 452-4541
- ▶ Program requirements on the City's website
www.cityofberkeley.info/covid19-housing-retention

RENT BOARD SERVICES DURING SHELTER IN PLACE

- ▶ During the City's Shelter in Place Order, Rent Board Housing Counselors are responding to inquiries via email (rent@cityofberkeley.info) and responding to voicemail messages left at (510) 981-RENT
- ▶ The Berkeley Rent Board is still accepting petitions, mediation requests, as well as registration-related forms such as Vacancy Registration (VR) forms and Amended Registration Statements (ARS)

VISIT OUR WEBSITE

cityofberkeley.info/rent

- ❑ COVID-19 Updates
- ❑ Register Online
- ❑ Tenancy Information
- ❑ Laws & Regulations
- ❑ Workshops & Seminars
- ❑ Mediation & Petition Forms
- ❑ Rent Board Commission Meetings

COVID-19 Updates: See cityofberkeley.info/covid19 for news, information, and status of City services.

RENT STABILIZATION BOARD
2125 Milvia Street, Berkeley, CA 94704
TEL: (510) 981-7368, TDD: (510) 981-6903, FAX: (510) 981-4910
Office Hours: M,Tu,Th,F 9 a.m. to 4:45 p.m., Wed 12 p.m. to 6:30 p.m., Email: rent@cityofberkeley.info

WHAT'S NEW
Registration Information_FY 2020-2021 AGA
New Laws & Regulations
Tenant Protection Ordinance
Bed Bug Notification
Green Lease Addendum
Security Deposit Interest
Tenant Buyout Ordinance
My Rent Ceiling

POPULAR TOPICS
Berkeley Rental News
Budget Info FY 2019-20
Civil Grand Jury Report
Client Feedback Page
Data & Reports
Ellis Information
Evictions
Fire Safety
Forms
Guide to Rent Control
Habitability & Repairs

Annual Registration Fees of \$250 per unit WERE DUE Wednesday, July 1, 2020. Payments not received in our office or postmarked by the due date are assessed a 100% penalty. Most property owners may be eligible for a waiver of part or all of the penalty fees if their account is fully paid on or before August 30, 2020. For questions about your registration status, please call our office at (510) 981-7368 and leave a message. Your call will be returned by a Registration Unit staff member.

Judicial Council of California issues **new emergency rule**

WHAT IS RENT CONTROL?
... and How Does It Affect Me?

IMPORTANT COVID-19 INFORMATION
For Landlords & Tenants
Register Online
Upcoming Meetings & Events
July 2020

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JOIN OUR EMAIL LISTS

- ❑ COVID-19 Updates
- ❑ Annual General Adjustment
- ❑ Billing & Registration
- ❑ Newsletters & Announcements
- ❑ Rent Board & Committee Agendas
- ❑ Workshops and Seminars for Property Owners & Tenants



Join Our
Email Lists!

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QUESTIONS? CONTACT US!



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