

RECEIVED

MAR 24 2017

Initial
Rent Stabilization Program

March 22nd, 2017

To: Berkeley City Attorney

Re: Illegally high relocation fees in your Ellis Act ordinance?

It was with great interest (and quite a bit of joy, to be honest) that I just read the *unanimous* ruling (A145044 and A146569) handed down in the California Appellate Court with respect to the San Francisco ordinance that attempted to graft apartment owners who wished to Ellis their buildings.

Over and over the three judges talked about how the cities are simply not allowed to impose “a prohibitive price on the exercise of the right under the Ellis Act.”

The judges cite many cases that have already determined that a public entity “may not impose a prohibitive price on a landlord’s exercise of the right under the Ellis Act to go out of business.”

I took the most joy in the judge’s decision, when on page 16, they called out the faulty analysis on the part of the San Francisco city attorney who tried to argue that an ‘adverse impact’ was the higher rents the tenant would face. The judges said, “This analysis ignores the impact of the City’s policy decision to impose residential rent control, creating a rent differential.” In other words, it is the city’s fault (ergo, the city’s responsibility), not the owner, for any adverse impact the tenant may claim to suffer.

It is with the above facts and analysis that I politely request that you immediately roll back the recent hikes you made to the Ellis Act relocation ordinance as those hikes seem to be in pretty clear violation of state law as well as the letter and intent of this decision.

Regards,



- Jonathan Weldon
2226 Jefferson Avenue, Apt. A
Berkeley, CA 94703

cc: City Manager, Rent Board.

