



Rent Stabilization Board

DATE: June 19, 2017

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Jay Kelekian, Executive Director

SUBJECT: Public Hearing to revise the Rent Stabilization Program Fee Schedule to correct and update Resolution number 03-24 and to set the fee for determining eligibility for short-term rentals.

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**RECOMMENDATION:**

Hold a Public Hearing to revise the Rent Stabilization Program Fee Schedule in accordance with the fees set forth in Resolution 17-04 and to set the fee for determining eligibility for short-term rentals.

**BACKGROUND AND NEED FOR RENT BOARD ACTION:**

On April 24, 2017, the Board adopted Resolution 17-04, adjusting the Rent Stabilization Program Fee Schedule. However, in the interest of public participation, staff recommends that a Public Hearing be held to ratify the fees set forth in Resolution 17-04.

The Board last revised its fee schedule with Resolution Number 03-24 on November 17, 2003.

The schedule now needs to be revised to include approval of eligibility for short-term rentals fees, generally update and clarify costs, and to eliminate several fees for services that are no longer provided.

An ordinance regulating Short-Term Rentals (Berkeley Municipal Code Chapter 23C.22) was enacted at the February 14, 2017 meeting of the Berkeley City Council. The purpose of the Short-Term Rentals ordinance is to prevent long-term rental units from being replaced with Short-Term Rentals and protect affordable housing units from conversion; to preserve and protect neighborhood character and livability from nuisances that are often associated with Short-Term Rentals; to generate City revenue to share City infrastructure cost and other public expenditures by operation of Short-Term Rentals under established standards; and to provide alternative forms of lodging. Applications for Zoning Certificates will soon become available to the public and enforcement of the ordinance will begin on July 1, 2017.

At the request of the City, the Rent Stabilization Program will provide City of Berkeley applicants for Zoning Certificates authorizing operation of short-term rentals unit with an

approval of eligibility. A property owner or a tenant may request a certificate of eligibility for a short-term rental Zoning Certificate. The Rent Stabilization Program will review our records to determine that a proposed short-term rentals units does not have a rental history between March 31, 2007 and March 31, 2017 and will verify that the owner has not filed notice of any no-fault evictions for the unit in the past five years. Eligibility will be denied based on the findings of an eviction history, rental history, the unit is not owner-occupied, the unit is part of a multi-unit property or is an accessory unit.

While verification of eligibility of a Short-Term Rentals unit is in line with the mission of the Rent Stabilization Board, this service is not directly related to implementation of the Rent Stabilization and Eviction for Good Cause Ordinance so it is necessary for us to recoup our costs. The amount of the fee does not exceed the estimated reasonable costs incurred by the Rent Stabilization Program in providing the service.

The changes are noted in the attached Exhibit A. Provisions that are being deleted have been struck-out and additions have been set forth in bold typeface.

**FINANCIAL IMPACT:**

The Rent Stabilization Program does not depend on fees, and generally collects approximately \$5,000 a year in fees. The City of Berkeley anticipates that up to 1,000 residents may apply for a Short-Term Rentals license and may request eligibility certificates. While our revenue will increase, the increase will match the level of costs incurred in providing the services requested.

**NAME AND TELEPHONE NUMBER OF CONTACT PERSON:**

Jay Kelekian, Executive Director 510.981.7368

Attachment 1: Resolution 17-04

## EXHIBIT A

<u>Petitions</u>	<u>Fee</u>	<u>Additional Units</u>	<u>Maximum</u>
Landlord IRA	\$0	\$0	\$0
C - Certification	\$0	\$0	\$0
RC - Redetermination of Certificate	<del>\$20</del>	<del>\$20</del>	<del>\$200</del>
	<b>\$25</b>	<b>\$25</b>	<b>\$25</b>
E - Exemption	<del>\$20</del>	<del>\$10</del>	<del>\$100</del>
	<b>\$25</b>	<b>\$15</b>	<b>\$125</b>
T - IRA	\$0	\$0	\$0
RWN	\$0	\$0	\$0
 <u>Appeals</u>			
Appeals to Board	<del>\$50</del>	<del>\$50</del>	<del>\$250</del>
	<b>\$100</b>	<b>\$100</b>	<b>\$500</b>
 <u>Agency Determinations</u>			
<b>Eligibility for Short-Term Rentals</b>	<b>\$20</b>	<b>\$20</b>	<b>\$0</b>
1st Certificate Rent Ceiling	\$0	\$0	\$0
Recertification of Rent Ceiling	<del>\$15</del>	<del>\$15</del>	<del>\$300</del>
	<b>\$30</b>	<b>\$30</b>	<b>\$500</b>
Certificate of Registration	\$10	per property	
	<b>\$20</b>		
Ellis Act Administration	<del>\$300 for the first two units</del>		
	<del>\$100 each additional unit</del>		
	<b>\$250</b>	<b>per unit</b>	
 <u>Publications/Duplication*</u>			
RSB Regulations	<del>\$15</del>		
	<b>\$30</b>		
RSB Regulations and one-year Subscription to the updates	<del>\$30</del>		
	<b>\$60</b>		
Subscription to updates only	<del>\$15</del>		
	<b>\$30</b>		
Chapter 12 IRA Regulations	<del>\$5</del>		
	<b>\$10</b>		
RSB Agenda subscription (one year)	<del>\$15 (non-Berkeley residents/businesses only)</del>		
	<b>\$30</b>		
RSB Agenda with attachments (one year)	<del>\$150</del>		
	<b>\$300</b>		
RSB Approved Minutes (one year)	<del>\$15</del>		
	<b>\$30</b>		
Photocopying or printing	\$.10 per page		
<del>Audiotape duplication (per tape)</del>	<del>\$10</del>		

2125 Milvia Street, Berkeley, California 94704

TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4940  
 E-MAIL: [rent@citvofberkeley.info](mailto:rent@citvofberkeley.info) • INTERNET: [www.citvofberkeley.info/rent/](http://www.citvofberkeley.info/rent/)

**CD/DVD****\$10**

~~Diskettes — \$30 for 360K diskettes (\$15 for each additional diskette after the first two) \$75 for 1.2M diskettes (\$37.50 for each additional diskette after the first two) \$5 for first two pages of data printout (\$1 for each page thereafter) \$40 per hour if labor not covered by above fees~~

Certified copies **\$5 for first page; \$1 for every page thereafter**

**\$5**

Subpoena (court appearance)

**\$35**

Costs incurred as defined by the City of Berkeley administrative Regulations 8.1 pursuant to Government Code Section 68096.1\*\*

Subpoena (records only)

**\$15**

Costs incurred as defined by the City of Berkeley administrative Regulations 8.1 pursuant to Evidence Code 1563(b)(1)\*\*\*

\*In 2016 the Rent Stabilization Board adopted a paperless agenda and all Rent Stabilization Board publications are available for fee on line at [www.ci.berkeley.ca.us/rent/](http://www.ci.berkeley.ca.us/rent/). Additionally, persons with low-incomes may request a waiver of the publication fees.

\*\*Government Code Section 68096.1 currently provides that the City is entitled to reimbursement for the custodian of record's salary during the time that the employee is making a personal appearance in a civil hearing in superior court. Therefore, the subpoena must be accompanied by a check made out to the City of Berkeley in the amount of \$275.00. If no such check is attached, the custodian of records must contact the requesting party and demand tender of the check before making the personal appearance. If the City's actual expenses, which include the custodian of record's normal salary for the time he or she prepares for, travels to and from, remains at the place pursuant to the subpoena, plus the copy charges described in Section B(2)(a) of this Administrative Regulation, is less than the \$275.00 tendered, the City shall refund the excess amount. If the actual expenses should later prove to be greater, the difference must be paid to the City by the requesting party.

\*\*\*Evidence Code 1563(b)(1) currently provides: \$.10 per page for standard copies, \$24.00 per hour, calculated on the basis of \$6.00 per quarter hour or fraction thereof, for the clerical time in locating and copying the records, actual postage costs for mailing the documents to the requesting party. The requesting party is entitled to a statement itemizing the costs charged by the City upon demand.

## RESOLUTION 17-04

### REVISING THE RENT STABILIZATION PROGRAM FEE SCHEDULE TO CORRECT AND UPDATE RESOLUTION NUMBER 03-24

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

**WHEREAS**, the Rent Stabilization Board last revised its fee schedule with Resolution 03-24 on November 17, 2003;

**WHEREAS**, the Board now wishes to include short term rental verification fees, correct omissions and errors in the current fee schedule, to eliminate obsolete fees and make other minor changes as set forth below:

<u>Petitions</u>	<u>Fee</u>	<u>Additional Units</u>	<u>Maximum</u>
Landlord IRA	\$0	\$0	\$0
C - Certification	\$0	\$0	\$0
RC - Redetermination of Certificate	\$25	\$25	\$25
E - Exemption	\$25	\$15	\$125
T - IRA	\$0	\$0	\$0
RWN	\$0	\$0	\$0
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<u>Agency Determinations</u>			
Eligibility for Short-Term Rentals	\$20	\$20	\$0
1st Certificate Rent Ceiling	\$0	\$0	\$0
Recertification of Rent Ceiling	\$30	\$30	\$500
Certificate of Registration	\$20	per property	
Ellis Act Administration	\$250	per unit	
<u>Publications/Duplication</u>			
RSB Regulations	\$30		
RSB Regulations and one-year subscription to the updates	\$60		
Subscription to updates only	\$30		
Chapter 12 IRA Regulations	\$10		
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**RESOLUTION 17-04**

**REVISING THE RENT STABILIZATION PROGRAM FEE SCHEDULE  
TO CORRECT AND UPDATE RESOLUTION NUMBER 03-24**

(Page 2)

RSB Agenda with attachments (one year)	\$300
RSB Approved Minutes (one year)	\$30
Photocopying or printing	\$.10 per page
CD/DVD	\$10
Certified copies	\$5
Subpoena (court appearance)	Costs incurred as defined by the City of Berkeley Administrative Regulation 8.1 pursuant to Government Code Section 68096.1
Subpoena (records only)	Costs incurred as defined by the City of Berkeley administrative Regulations 8.1 pursuant to Evidence Code 1563(b)(1)

**NOW, THEREFORE BE IT RESOLVED** that the Rent Stabilization Board of the City of Berkeley hereby revises its fee schedule set forth in resolution number 03-24 as indicated above.

Dated: April 24, 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, Tregub, Selawsky

NO: None

ABSTAIN: None

ABSENT: Townley

\_\_\_\_\_  
Chair, Rent Stabilization Board

Attest: \_\_\_\_\_  
James Kelekian  
Executive Director