

Fact Sheet on Berkeley Rental Property Repair & Tenant Rental Relocation

The City of Berkeley's policy is to encourage the maintenance and timely repair of rental properties in a way that avoids tenant displacement where possible, and ensures that relocation assistance is provided when moves are unavoidable.

The property owner has the **right to enter** an occupied rental unit to make **necessary or agreed upon repairs**, however the owner must also respect their tenant's **right to privacy**. Property owners are required to give their tenants advance notice of work to be done in their unit and to have the work done during normal business hours – except in an emergency.

If there is a question as to whether repairs are necessary, the City of Berkeley's Housing Inspectors can make a determination.

Temporary Relocation

Sometimes a rental unit will be difficult to live in while it is being repaired. In such cases the tenant and property owner should be aware of the following requirements under the City of Berkeley's Relocation Ordinance and the Rent Stabilization and Eviction for Good Cause Ordinance:

- The Relocation Ordinance applies whenever a tenant is required to move out of their unit by the property owner or a City official in order to complete repairs that are necessary to bring the unit into code compliance.
- If the Relocation Ordinance applies, the owner is required to make certain relocation payments to offset the additional costs incurred by tenants as a result of the temporary relocation.
- The owner is required to allow tenants to move back once repairs are made.
- After the tenant moves back into the unit, the rent remains the same unless the Rent Board authorizes an increase due to the expense of the repairs. Property owners have the right to petition for a rent increase for capital improvements needed to correct code violations or make changes agreed upon with the tenant.

If you have any questions about your rights or obligations under the Relocation Ordinance or the Rent Stabilization and Eviction for Good Cause Ordinance you may contact the City of Berkeley's Health, Housing & Community Services Department which administers the Relocation Ordinance, or the Rent Stabilization Program.

Dispute Resolution

Sometimes there are disputes over whether a tenant must give the landlord access to their home to make repairs or whether the tenant must move out temporarily for the repairs to be made.

Tenants must understand that refusal to give access to the landlord in order to make repairs that the City of Berkeley considers necessary may be grounds for permanent or temporary eviction. Tenants have the right to set reasonable conditions that protect their privacy and their property.

Property owners must understand that an approved building permit to do work in a unit does not legally obligate the tenant to give the landlord access to the unit where they live unless the City requires the repairs in order to bring the unit into compliance with applicable building or housing codes. When the owner and the tenant disagree about whether it is necessary for the tenant to move out while work is being done they can appeal to the City's Building Official for a ruling.

We encourage tenants to cooperate with owners who are doing work that helps prevent potential code violations or upgrades the quality of the building even if it is not immediately necessary. This is better for both tenants and landlords than waiting until there is a problem.

If there is a dispute over issues around access to unit for repairs, or tenant relocation the City of Berkeley Rent Stabilization Program offers a **no-cost mediation service** that can be an effective way to reach an agreement.

Useful City of Berkeley Phone Numbers and Addresses:

Rent Stabilization Program:

(510) 981-RENT, 981-7368. 2125 Milvia St. Berkeley 94704

- For questions regarding the Rent Stabilization Ordinance or to request mediation.

Health, Housing & Community Services Department:

(510) 981-5410. 2180 Milvia St., 2nd Floor, Berkeley 94704

- For more information regarding the Relocation Ordinance.

Planning Department:

(510) 981-7500/ 2120 Milvia Street, Berkeley 94704

- May be contacted if the work being done requires a Building permit or there is a dispute that cannot be settled through mediation as to whether tenant relocation is necessary in order for the repairs to be completed.

Housing Code Enforcement Inspection:

(510) 981-5444. 2180 Milvia St., 2nd Floor, Berkeley 94704.

- May be contacted if there are violations of the Uniform Housing Code on the property or within the residential unit. Please reference Berkeley Municipal Code 19.40 for additional details.