

Rent Stabilization Board

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair-accessible location. To request disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact Aimee Mueller at 981-4932 or 981-6903 (TDD) *at least three business days before* the meeting date.



Please refrain from wearing scented products to this meeting.

RENT STABILIZATION BOARD
EVICTON / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Friday, April 5, 2013

3:00 p.m.

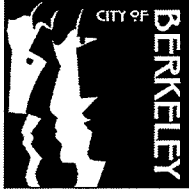
2001 Center Street, Law Library, 2nd Floor

AGENDA

1. Roll call
2. Approval of the Agenda
3. Approval of Minutes of the March 19, 2013 meeting
4. Public Comment
5. Discussion and possible action regarding Measure Y Report
6. Update regarding Requests for Proposal sent to Eviction Defense Center and East Bay Community Law Center on March 22, 2013
7. Discussion and possible action regarding additional protections for families with children from no-fault evictions (owner move-in and Ellis) during the school year
8. Discussion and possible action regarding Rent Board tracking of evictions and landlord compliance with Rent Ordinance Section 13.76.130D.
9. Discussion and possible action regarding Committee Workplan
10. Discussion of possible items for future agendas
11. Adjournment

STAFF CONTACT: Matt Brown, Staff Attorney (510) 981-4930
Steve Barton, Deputy Director (510) 981-4926

COMMITTEE: Katherine Harr, Judy Shelton, Alejandro Soto-Vigil, Judy Hunt



Rent Stabilization Board

MEMORANDUM

DATE: April 5, 2013

TO: Honorable Members of the Eviction/Section 8/Foreclosure Committee

FROM: Jay Kelekian, Executive Director
By: Matt Brown and Chanee Franklin, Staff Attorneys

SUBJECT: Measure Y Tracking Report – September 2000 through December 31, 2012

Background

In November 2000, Berkeley voters adopted Measure Y as an amendment to the Rent Stabilization and Eviction for Good Cause Ordinance. Measure Y placed restrictions and conditions on owner and/or relative occupancy evictions. Measure Y requires that “at least twice annually, Rent Board Staff shall report to the Rent Board regarding the occupancy status of units possession of which has been recovered ... within the prior thirty-six months.” This Committee reviewed the last report in April 2012.

This memorandum is prepared pursuant to the requirements of Measure Y and summarizes the attached bi-annual breakdown of the Measure Y filings from September, 2000, through December 31, 2012. So as to provide contextual background, this report provides statistics going back to 2000 rather than solely the prior thirty-six months required by the Ordinance. Future reports will cover the thirty-six months but in greater detail about the status of each unit.

Summary of Attached Report

According to Board records, a total of 10 units received eviction notices for owner or relative occupancy in 2012. It should be noted that this report only reflects eviction notices filed with the Board and not necessarily actual evictions. An owner may withdraw the notice to the tenant and/or the tenant may have a defense to the eviction if the owner has not complied with the law. Staff will provide a more comprehensive report in September tracking the status of units which have received Measure Y eviction notices in the previous 36 months. During the past three years (2009-2012) the Board received a total of 42 Measure Y eviction notices. During the initial three-year monitoring period (December 2000 – December 2003), we received 110 eviction notices, nearly three times the rate as the last three years. Equally notable, in the three months immediately

preceding the adoption and enactment of Measure Y (September, October and November 2000) 47 notices for owner or relative occupancy were filed. More notices for owner occupancy were filed in the three months preceding passage of Measure Y than were filed in the past thirty-six months. By any measure, the passage and diligent implementation of Measure Y have significantly reduced the displacement of long-term tenants, which was commonplace after the imposition of vacancy decontrol.

One condition established by Measure Y was a requirement that the owner provide a \$4,500 relocation assistance payment to any displaced low-income tenant who has resided in the unit for one year or more. Since passage of Measure Y roughly 25% of those households receiving eviction notices for owner occupancy have qualified for and benefited from the low-income relocation assistance provisions of the ordinance. This number is particularly noteworthy if we consider that historically between 25%-30% of Measure Y eviction notices are later rescinded and the tenants remain in the unit. When we back-out these rescinded units, the percent of Measure Y tenants receiving low-income relocation is over 30% of those households being displaced.

The chart below breaks down in six-month periods, the number of Measure Y eviction notices the Board has received since September 2000. The first reporting period on the table below only reflects a four-month period. As noted above, 47 of the 56 evictions occurred during the three months prior to the adoption of Measure Y. While we did not track the number of owner move-in notices received prior to September 2000, it was reported that the number of notices issued during the period from December 1997 to December 2000 was similar to or greater than the four-month period from September – December 2000, before Measure Y became law.

Attachment: Table of Measure Y notices filed with the Rent Board for the period between September 2000 through December 2012.

Measure Y Eviction Notices Filed With Berkeley Rent Board

Date of Eviction Notice	Number of Notices Received
September – December 2000 *(only four months)	56
January – June 2001	32
July – December 2001	21
January – June 2002	17
July – December 2002	9
January – June 2003	13
July – December 2003	10
January – June 2004	14
July – December 2004	5
January – June 2005	16
July – December 2005	6
January – June 2006	10
July – December 2006	1
January – June 2007	7
July – December 2007	2
January – June 2008	1
July – December 2008	7
January – June 2009	7
July – December 2009	7
January – June 2010	6
July – December 2010	3
January – June 2011	7
July – December 2011	2
January – June 2012	5
July – December 2012	5
Total Notices Filed 10/2000- 12/2012	269