



Memorandum

DATE: September 17, 2026
TO: Honorable Members of the Berkeley Rent Stabilization Board
FROM: Rent Board Legal Staff
SUBJECT: Case No. T-6171 (2020 Kittredge St., Unit 404)

Case Summary and Legal Recommendation

Appellant Tenant ("Tenant") appeals a hearing decision dismissing Tenant's Petition for Individual Rent Adjustment ("petition") for a rent ceiling reduction at 2020 Kittredge Street, Unit 404, Berkeley, CA ("premises"). The Hearing Examiner found the premises partially exempt from the Rent Ordinance as new construction under B.M.C. section 13.76.050.B.1 and therefore not subject to rent ceiling regulations or the Board's hearing process for individual rent adjustments.

On appeal, Tenant argues that the Board should hear the reduced-services claims because the premises are a government-subsidized and Below Market Rent ("BMR") unit and Measure BB removed the Rent Ordinance exemption for most government-subsidized rental units. Tenant further argues that the record was insufficient to establish the new construction exemption because the Hearing Examiner relied on a RealQuest report showing that the building was constructed in 2006, while the Rent Ordinance provides that the date a unit was created is based upon the issue date of the first certificate of occupancy.

Neither argument provides a basis to disturb the decision. Measure BB removed the exemption for most government-subsidized rental units but did not eliminate other independently applicable exemptions under the Rent Ordinance. Accordingly, a government-subsidized unit that also qualifies as new construction remains exempt from rent ceiling regulations and the Board's individual rent adjustment hearing process.

The record also supports the Hearing Examiner's determination that the premises qualifies as new construction. The RealQuest report identifies 2006 as both the year built and effective year built for the 177-unit property. In response to the appeal, Legal staff also reviewed the City's permit records for the property, including permit B2002-00858, as part of its due diligence. Although staff did not locate a certificate of occupancy in the available permit record, the permit history is consistent with the property having been constructed from the ground up well after June 30, 1980. There is no evidence that the premises existed prior to June 30, 1980.

Because the record supports the Hearing Examiner's determination that the premises are partially exempt as new construction, and Measure BB does not eliminate that independently applicable exemption, Legal staff recommend that the dismissal stand.

Appellant Tenant: Alexander Merenkov
Respondent Landlord: Alesia Williams (FPI Management)