



Rent Stabilization Board

DATE: January 21, 2021

TO: Honorable Members of the Rent Stabilization Board

FROM: Vice Chair Soli Alpert, Chair Leah Simon-Weisberg, and Commissioner Laverde

SUBJECT: Endorsement of AB 15 and AB 16

Recommendation:

That the Berkeley Rent Stabilization Board endorse AB 15 - Tenant Stabilization Act of 2021 and AB 16 - Tenant, Small Landlord, and Affordable Housing Provider Stabilization Act of 2021 and send a letter to Assemblymember Chiu, Assemblymember Wicks, and Senator Skinner expressing our position on both bills.

Background:

The COVID-19 pandemic and resultant economic catastrophe have had a disproportionate impact on tenants throughout our community and the nation. While the City of Berkeley and the Rent Stabilization Board have worked in concert to take robust and impactful actions to safeguard tenants against eviction and provide financial relief for those who cannot afford rent payments, our local agencies simply lack the resources, legal and financial, to provide an adequate response. An abdication of responsibility at both the state and national levels have left communities like Berkeley with no good choices.

This past legislative cycle, a disappointingly watered-down AB 3088 was the State Legislature's response to the profound suffering facing California's tenants. Our community, like many, was caught off-guard and dismayed that eleventh-hour preemptions to our local ordinances, ordinances that had been authorized under Governor Newsom's April anti-eviction order, were inserted into AB 3088. These preemptions penalized jurisdictions like Berkeley that proactively addressed the COVID-19 economic and public health crisis. The preemption of local action in AB 3088 created a needlessly complex legal environment, compromising and even invalidating some local protections.

AB 3088 is now set to expire in less than one month's time. Despite its deep flaws, the expiration of AB 3088 would be cataclysmic for tenants and all California communities, and set the stage for a wave of homelessness not seen in our state since the Hooverilles of the Great Depression. AB 15, primarily authored by Assemblymember David Chiu alongside Berkeley's Assemblymember Buffy Wicks, would extend and strengthen the provisions of AB 3088 through

the end of 2021. AB 16, currently a shell bill, seeks to move beyond the short-term protections of AB 3088 and move towards long term stability for California's tenant community. While the amendments envisioned in AB 15 to AB 3088 are insufficient to fully allow Berkeley's local protections to serve tenants as originally intended, it is critical and non-negotiable that the extension of state-level protections for renters and small property owners function as a baseline for local protections and not further hamstring our local agencies' ability to respond swiftly and effectively to our constituents' dire needs. The Board should therefore support AB 15 as currently drafted while urging the Legislature to remove the preemptions introduced in AB 3088 that restrict our local governments from protecting tenants.

Financial Impact:

Failure to pass AB 15 by the state would result in significantly more evictions throughout our community. This could likely increase the demand for Rent Board services, and therefore increase costs.

Name and Email Address of Contact Person:

Vice Chair Soli Alpert
RSBAlpert@cityofberkeley.info

The Honorable David Chiu
Member of the Assembly
State Capitol, Room 4112
Sacramento, CA, 94249

Re: AB 15 and AB 16

Dear Assemblymember Chiu,

The Berkeley Rent Stabilization Board is gravely concerned over the impending February 1st expiration of AB 3088, and we write to express our support for AB 15 and AB 16 while acknowledging our deep frustration that AB 15 fails to fully remove the preemptions introduced in AB 3088 that weakened local protections for Berkeley tenants.

The COVID-19 pandemic and resultant economic catastrophe have had a disproportionate impact on tenants throughout our community and the nation. While we have worked in concert with our colleagues at the Berkeley City Council to take robust and impactful actions to safeguard tenants against eviction and provide financial relief for those who cannot afford rent payments, our local agencies simply lack the resources, legal and financial, to provide an adequate response. An abdication of responsibility at both the state and national levels have left communities like Berkeley with no good choices.

This past legislative cycle, a disappointingly watered-down AB 3088 was the State Legislature's response to the profound suffering facing California's tenants. Our community, like many, was caught off-guard and dismayed that eleventh-hour preemptions to our local ordinances, ordinances that had been authorized under Governor Newsom's April anti-eviction order, were inserted into AB 3088. These preemptions penalized jurisdictions like Berkeley that proactively addressed the COVID-19 economic and public health crisis. The preemption of local action in AB 3088 created a needlessly complex legal environment, compromising and even invalidating some local protections.

AB 3088 is now set to expire in less than one month's time. Despite its deep flaws, the expiration of AB 3088 would be cataclysmic for tenants and all California communities, and set the stage for a wave of homelessness not seen in our state since the Hoovervilles of the Great Depression.

While the amendments envisioned in AB 15 to AB 3088 are insufficient to fully allow Berkeley's local protections to serve tenants as originally intended, it is critical and non-negotiable that the extension of state-level protections for renters and small property owners function as a baseline for local protections and not further hamstring our local agencies' ability to respond swiftly and effectively to our constituents' dire needs. The Board therefore calls for the legislature to pass AB 15 as quickly as possible while making clear that we seek the removal of the preemptions introduced in AB 3088 that restrict our local governments from protecting tenants.

Sincerely,
The Berkeley Rent Stabilization Board
CC: Senator Nancy Skinner
Assemblymember Buffy Wicks