

Rent Stabilization Board

March 18, 2021

To the Honorable Mayor and Members of the Berkeley City Council,

The Berkeley Rent Stabilization Boards sends this letter to express what we view as essential components in ensuring that the “Inclusive Neighborhood Zoning” proposal from Councilmember Droste serve Berkeley’s tenants, low-income homeowners and residents of color, specifically the Black, and brown communities with histories of discrimination in Berkeley. While we embrace increased density, we know that if the City is not careful with its actions to replace it, we will repeat the mistakes of the past and create a pattern of development that serves profit over people and exacerbates gentrification. It is vital that the zoning amendments generate housing that will be affordable for working people and do not drive displacement.

The Rent Board believes that the upzoning proposal must include the following provision:

1. Demolition
No demolition of rent-controlled or deed-restricted housing.
2. Data Collections
As we proceed with zoning changes aimed at addressing historic racial inequities, it is important to ensure that we improve and not exacerbate the problem. The proposed process should include a method of capturing demographic data on any displacement that is caused or may have been caused, especially along racial lines but including all protected statuses, to the extent practicable.
3. Affordable Housing
 - a. In line with this change being aimed at generating ‘Missing Middle’ housing, the units generated by this proposal should be capped at 150% of AMI with one unit that is 80% of AMI.
 - b. Lower the threshold for the Affordable Housing Mitigation Fee (AHMF) to include all new residential development
4. Ant-Displacement and Anti-Speculation Measures
 - a. Special consideration of sensitive communities within Berkeley
 - b. No ministerial approval on lots that have tenants or have had tenants within 10 years
 - c. Lots which have been emptied through the threat or actual use of an eviction authorized under the Ellis Act within the last 10 years be made completely ineligible from benefiting from the provisions of the upzoning
 - d. Right of first refusal for any tenants displaced during construction
 - e. Enhanced noticing requirement to all tenants on an application of demolition or construction on lots with tenants
 - f. Additional anti-speculation measures to prevent predatory purchasing practices

5. Generating New Rent-Controlled Units

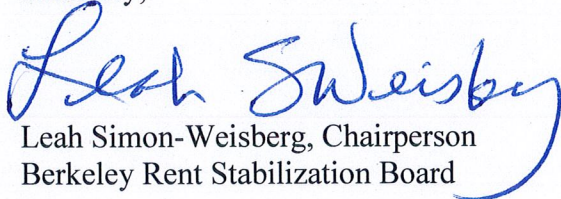
- a. As often as possible do not issue certificates of occupancy
- b. Preference for rental units over condominiums: rentals are more affordable than condos and condos are exempt from rent control
- c. Preference for addition and subdivision over demolition to incentivize the creation of new rent-controlled units, including a prohibition on demolition of buildings older than June 30th, 1980

Rent Board staff are working to develop a memo outlining the different situations under which the creation of new units, either by subdivision or the addition of new construction, may result in previously exempt space becoming eligible for rent control. When this document is ready it will be shared with the Council and all other bodies considering the proposal, with the hopes that it will be used to create a set of amendments that maximize the potential for the creation of new rent-controlled units.

Additionally, there are a number of other proposals pending before various bodies of the City, including amendments to the Demolition Ordinance and Affordable Housing Mitigation Fee Act and introduction of tenant habitability plans, that are essential to this proposal to work for our community. This proposal should not be put into force without those changes accompanying it.

Finally, we hope that the Rent Board, both as a body of elected officials and our expert staff, are included and consulted in the process of drafting the final version of the zoning amendments. Rent board staff have a wealth of knowledge and expertise, especially concerning ways to protect Berkeley tenants throughout this process.

Sincerely,



Leah Simon-Weisberg, Chairperson
Berkeley Rent Stabilization Board