



## Memorandum

**DATE:** March 5, 2026  
**TO:** Honorable Members of the Berkeley Rent Stabilization Board  
**FROM:** Rent Board Legal Staff  
**SUBJECT:** Case No. T-6157 (1370 University Ave. #404)

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### **Case Summary and Legal Recommendation**

Appellant Tenant (“Tenant”) filed a Petition for Individual Rent Adjustment (“petition”) seeking rent ceiling reductions for certain conditions related to the rental unit located at 1370 University Avenue, Unit 404, Berkeley, CA (“rental unit”). Tenant appeals the dismissal of the petition, which rests on a finding that the rental unit is partially exempt from the Rent Ordinance as new construction under B.M.C. Sec. 13.76.050.B.1 and therefore not subject to rent ceiling regulations and the Rent Board’s hearing process.

On appeal, Tenant does not dispute the factual basis for the Hearing Examiner’s finding that the rental unit was constructed in 2003. Instead, the appeal urges the Rent Board take enforcement action under the Tenant Protection Ordinance (“TPO”) based on allegations of habitability violations, harassment, and retaliation, and argues that the City of Berkeley (“City”) and the Rent Board should initiate enforcement proceedings against Respondent Landlord (“Respondent”).

For the reasons discussed below, Legal Staff recommend that the Board deny the appeal and affirm the Hearing Examiner’s dismissal. The Hearing Examiner correctly concluded that the Rent Board lacks jurisdiction to adjudicate Tenant’s specific claims. Furthermore, the relief requested on appeal falls outside the scope of the Board’s authority.