

# City of Berkeley Empty Homes Tax (BMC 7.54)

Rent Stabilization Board  
February 15, 2024





# Empty Homes Tax

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- Effective January 1<sup>st</sup>, 2024
- Applies to residential units vacant for 182+ days in a calendar year
- Vacant defined by Ordinance as: unoccupied, uninhabited or unused, for more than 182 days, whether consecutive or nonconsecutive, in calendar year.



# Exemptions

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- Properties owned by an organization exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.
- Properties that contain 4 or fewer residential units (inclusive of any accessory dwelling units) and is owned by a natural person or trust that own no other residential units in the City of Berkeley.

# Vacancy Exclusion Periods

Building Permit Application Period

Rehabilitation Period

Disaster Period

Owner Death Period

Owner In Care Period

Homeowners' Exemption Period

Lease Period

# Rent Board Vacancy Data



Rent Stabilization Ordinance: applies to units “rented or available for rent”



Vacant units that are “not available for rent” (NAR), are exempt from registration requirements



Vacant “NAR units” typically longer-term vacancy



1,312 Units in NAR status on February 5, 2012

# Rent Board Vacant Unit Data

(February 5, 2024) Units in NAR Status

Property Type (By Unit #)	# Total Properties	# Vacant Units*	# Total Units	% Vacant
SFR or Condo	7,740	96	7,740	1.2%
Duplex	2,314	250	4,628	5.4%
3-4 Units	1,723	328	5,973	5.5%
5-10 Units	1,028	263	6,966	3.8%
11-20 Units	332	135	4,896	2.8%
21+ Units	259	240	10,614	2.3%
<b>Total</b>	<b>13,396</b>	<b>1,312</b>	<b>40,817</b>	<b>3.2%</b>

\*Vacant unit data includes all units in the “Not available for rent” or NAR status



# Outreach Efforts

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1. Informational Letter sent to Owners of Vacant Units (Mailed January 9, 2024)
2. Created Empty Homes Email ([Emptyhomes@berkeleyca.gov](mailto:Emptyhomes@berkeleyca.gov))
3. Empty Homes Voicemail System In Place (option #5)
4. 80+ Owner Contacts as of February 2024
5. Website, Guidelines, Exemption Forms To Launch in March 2024



# Next Steps

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- Finalize Internal Processes with Finance
- Publish Website, Process Guidelines and Forms
- Monitor and Review Vacant Units
- Draft any needed Admin Regs





Rent Stabilization Board

DATE: February 15, 2024  
TO: Honorable Members of the Rent Stabilization Board  
FROM: Lief Bursell, Senior Planner  
SUBJECT: Empty Homes Tax Administration Update Presentation

Staff's presentation on the implementation and administration of the Empty Homes Tax will focus on how the Empty Homes Tax Ordinance requirements intersect with Rent Board rental unit registration data and its impact on residential property owners in Berkeley. Staff will provide information on recent Rent Board vacancy data (see attached), the Rent Board's role in identifying potentially vacant units, and the processing of both claims of exemption and vacancy exclusion periods.

In January 2024, the Rent Board sent letters to all owners of units claimed "not available for rent" in the Rent Board's database, which is a long-term vacancy status that qualifies as exempt from the Rent Stabilization Ordinance. Staff has since received contacts from over eighty property owners and managers requesting additional information and inquiring about how to update their registration status.

This letter, dated January 5<sup>th</sup>, and a copy of the Empty Homes Tax Ordinance (BMC chapter 7.54) are attached to this report to provide additional background information prior to the staff's presentation.

**Attachments:**

- 1) February 2024 Rent Board Vacant Unit Data
- 2) January 5, 2024, Empty Homes Tax mailing sent to affected Berkeley property owners
- 3) Empty Homes Tax Ordinance (BMC Chapter 7.54)

**Name and Telephone Number of Contact Person:**

Lief Bursell, Senior Planner (510) 981-7368

Rent Board Vacant Unit Data

February 15, 2024

**February 2024 Rent Board Vacant Unit Data**

Currently, 3.2% of all 40,817 units in the Rent Board’s database are listed as vacant and not available for rent (NAR). The highest rates of vacancy are in 3-4 unit and duplex properties. The NAR status does not include short-term vacancies in units that are temporarily vacant between tenancies but are still available for rent.

**Rent Board Vacant Unit Data (February 5, 2024)**

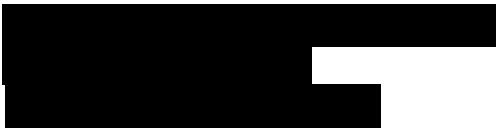
<b>Property Type (By Unit #)</b>	<b># Total Units</b>	<b># Vacant Units*</b>	<b># Total Units</b>	<b>% Vacant</b>
<b>SFR or Condo</b>	7,740	96	7,740	1.2%
<b>Duplex</b>	2,314	250	4,628	5.4%
<b>3-4 Units</b>	1,723	328	5,973	5.5%
<b>5-10 Units</b>	1,028	263	6,966	3.8%
<b>11-20 Units</b>	332	135	4,896	2.8%
<b>21+ Units</b>	259	240	10,614	2.3%
<b>Total</b>	13,396	1,312	40,817	3.2%

\*Vacant unit data includes all units in the “Not available for rent” or NAR status



Rent Stabilization Board

January 5, 2024



**Empty Homes Tax, Effective January 1, 2024 (Berkeley Municipal Code 7.54)**

Dear Berkeley Rental Property Owner,

This communication is to inform you that one or more residential units you own were listed in the Berkeley Rent Board's rent registry during the calendar year 2023 as vacant but not rented. Starting January 1, 2024, the City of Berkeley will implement the Empty Homes Tax Program, which will impose a tax on residential units that remain vacant for more than 182 days consecutively or nonconsecutively in a calendar year.

The initial 182-day period for this tax will begin on January 1, 2024, and end on July 2, 2024. Owners of vacant residential units during this period will be taxed unless they qualify for an exemption or can demonstrate that the vacancy falls within one of the seven vacancy exclusion periods described in the Empty Homes Tax Ordinance. Please find more details below.

**Exemptions**

The following properties are exempt from taxation under the Empty Homes Tax Ordinance:

- Owner-occupied properties that contain four or fewer residential units (including any accessory dwelling units) and are owned by a natural person or trust that owns no other residential units in the City of Berkeley.
- Properties owned by an organization exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986.

**Vacancy Exclusion Periods**

There are seven Vacancy Exclusion Periods that do not count towards the Empty Homes Tax 182-day vacancy threshold:

1. Building Permit Application Period
2. Rehabilitation Period
3. Disaster Period

4. Owner Death Period
5. Owner In Care Period
6. Homeowners' Exemption Period
7. Lease Period

A description of each Vacancy Exclusion Period is enclosed with this letter.

## **2024 Empty Homes Tax Amount**

For residential units in single-family dwellings, condominiums, duplexes, or townhouses:

- \$3,000 per unit for the first calendar year
- \$6,000 per unit for the second and subsequent calendar years

For all other residential units

- \$6,000 for the first calendar year
- \$12,000 per unit for the second and subsequent calendar years

These rates will be adjusted annually in accordance with the increase in the Consumer Price Index for the San Francisco/Oakland/San Jose area.

## **Empty Homes Tax Process**

The Rent Board will notify the City of Berkeley Finance Department of any properties with vacant units that qualify for the tax and do not have a pending or approved claim of exemption in the 3rd quarter of 2024. The Finance Department will then issue a tax bill for each qualifying unit. More information on the process for claiming an exemption or a vacancy exclusion period will be published in early 2024.

## **Updating Rent Board Records**

Please ensure that you inform the Rent Board of any changes in occupancy status for all the residential units you own. You can update the unit status using the online rent registry portal, which can be accessed through the following URL: <https://rentregistry.cityofberkeley.info/>. If you believe you have received this letter in error, please contact the Rent Board.

## **More Information**

For more information, please contact us by phone at (510) 981-7368 Ext. 5 or by email at [emptyhomes@berkeleyca.gov](mailto:emptyhomes@berkeleyca.gov).

Sincerely,



Lief Bursell  
Senior Planner

## VACANCY EXCLUSION PERIODS

*The Empty Homes Tax defines seven periods during which a residential unit would not be considered vacant for purposes of the tax.*

### 1. BUILDING PERMIT APPLICATION PERIOD

The period following the date that a building permit application for repair, rehabilitation, or construction of a residential unit is filed with the City through the date the Planning Department or its successor agency grants or denies that application, not to exceed one year. If more than one building permit application is filed for the same residential unit, the Building Permit Application Period includes only the period following the date the first application is filed with the City.

If an owner also qualifies for the Disaster Period, the Building Permit Application Period may be extended beyond one year if the owner makes a good faith effort, as determined by the building official, to obtain a building permit.

### 2. REHABILITATION PERIOD

The two-year period following the date that the City issues a building permit for repair, or rehabilitation, of a residential unit. If the City issues multiple building permits for the same residential unit, the Rehabilitation Period includes only the two-year period after the first building permit is issued.

### 3. DISASTER PERIOD

The two-year period following the date that a residential unit was made uninhabitable or unusable due to fire, natural disaster, or other catastrophic event, except where a negligent, reckless or willful act or omission by the owner or agent of the owner contributed to or caused the residential unit to become uninhabitable or unusable.

### 4. OWNER DEATH PERIOD

The period during which a residential unit is unoccupied, uninhabited, or unused because of the death of any owner who was the sole occupant of the unit immediately prior to that owner's death. This period shall not exceed the longer of two years or the period during which the unit is under the authority of a probate court.

### 5. HOMEOWNERS' EXEMPTION PERIOD

The period during which a residential unit is the principal place of residence of any owner, and for which that owner has made a valid claim for either the homeowners' tax exemption or the disabled veterans' exemption (California Revenue and Taxation Code Sections 218 and 205.5, respectively).

## City of Berkeley Empty Homes Tax: Vacancy Exclusion Periods

### **6. OWNER IN CARE PERIOD**

The period during which a residential unit is unoccupied, uninhabited, or unused because the occupant who used that residential unit as their principal residence is residing in a hospital, long-term or supportive care facility, medical care or treatment facility, or other similar facility.

### **7. LEASE PERIOD**

The period during which a residential unit is leased to one or more tenants under a bona fide lease intended for occupancy, but not including any lease or rental of the unit anyone affiliated or related to a current or former owner or co-owner, or to travelers, vacationers, or other transient occupants.

More information on the process for claiming an exemption or a vacancy exclusion period will be published by the Berkeley Rent Stabilization Board early in calendar year 2024.

## Chapter 7.54 EMPTY HOMES TAX

Sections:

- 7.54.010**    **Short Title.**
- 7.54.020**    **Findings and purpose.**
- 7.54.030**    **Definitions.**
- 7.54.040**    **Imposition of Tax.**
- 7.54.050**    **Returns--Presumption of Vacancy.**
- 7.54.060**    **Exemptions.**
- 7.54.070**    **Administration--Penalties.**
- 7.54.080**    **Use of Funds for General Municipal Purposes.**
- 7.54.090**    **Annual Reports.**
- 7.54.100**    **Authorization and Limitation on Issuance of Bonds.**
- 7.54.110**    **Severability.**
- 7.54.120**    **Savings Clause.**
- 7.54.130**    **Liberal Construction.**

Sections:

### **7.54.010    Short Title.**

This Chapter shall be known as the "Empty Homes Tax Ordinance," and the tax it imposes shall be known as the "Empty Homes Tax." (Ord. 7849-NS § 1, 2022)

### **7.54.020    Findings and purpose.**

The People of the City of Berkeley find and declare as follows:

- A.    Residential vacancies are an ongoing concern in Berkeley.
- B.    Of total vacancies, the Berkeley Rent Stabilization Board data from 2022 indicates that 1,128 fully or partially regulated units in buildings with more than two units have been classified by their owners as not available to rent. Returning these and other vacant units to the housing market is a key strategy for ensuring long-term affordability.

- C. Prolonged vacancy restricts the supply of available housing units, is often the result of housing speculation and runs counter to the City's housing objectives. Prolonged vacancies can also decrease economic activity in neighborhoods and lead to blight.
- D. The housing affordability crisis has created an urgent need to pay for additional services and programs including, but not limited to, construction of new affordable housing for households with a household income of 80% or less of Area Median Income, including by providing pre-development funding to non-profit affordable housing developers, and the acquisition and rehabilitation of multi-unit buildings for affordable housing, and the operation of such buildings acquired and/or rehabilitated.
- E. The City is also working to ensure all public funds available to build affordable housing are being maximized, from the City, Alameda County, State and Federal governments.
- F. Even with the addition of City, County, State, and Federal resources, the City is unable to house all of its residents.
- G. The increased costs of meeting the challenges of the housing crisis have impacted the City's General Fund.
- H. The City needs new funds to pay for municipal services. The Empty Homes Tax is intended to disincentivize prolonged vacancies and housing speculation, thereby increasing the number of housing units available for occupancy, while also raising funds for municipal services, including but not limited to constructing, acquiring, and rehabilitating affordable housing. (Ord. 7849-NS § 1, 2022)

### **7.54.030 Definitions.**

Unless otherwise defined in this Chapter, the terms used in this Chapter shall have the meanings given to them in Chapters [2.44](#) and [9.04](#) of the Municipal Code, as amended from time to time. For purposes of this Chapter, the following definitions shall apply:

- A. "Affiliate" means an entity under common majority ownership or common control, whether that ownership or control is direct or indirect, with any other person or entity, including but not limited to a person or entity that majority owns or controls, or is majority owned or controlled by, any other person or entity.
- B. "Building Permit Application Period" means the period following the date that an application for a building permit for repair, rehabilitation, or construction with respect to a Residential Unit is filed with the City through the date the Planning Department or its successor agency grants or denies that application, not to exceed one year. Notwithstanding the preceding sentence, if more than one building permit application is filed by or on behalf of one or more persons in the Owner's Group for the same Residential Unit, the Building Permit Application Period shall mean only the applicable period following the date the first application is filed with the City by or on behalf of anyone in the Owner's Group. In the case of an owner qualifying for the Disaster Period in subsection [D](#), the Building Permit Application Period may be extended beyond one year if the owner makes a good faith effort, as determined by the building official, to obtain a building permit.



- C. "Disaster Period" means the two-year period following the date that a Residential Unit was made uninhabitable or unusable due to fire, natural disaster, or other catastrophic event, except where a negligent, reckless or willful act or omission by the owner or agent of the owner contributed to or caused the Residential Unit to become uninhabitable or unusable due to fire, natural disaster or other catastrophic event.
- D. "Homeowners' Exemption Period" means the period during which a Residential Unit is the principal place of residence of any owner of that Residential Unit and for which such owner validly has claimed either the homeowners' property tax exemption under Section [218](#) of the California Revenue and Taxation Code or the disabled veterans' exemption under Section [205.5](#) of that Code, as those sections may be amended from time to time.
- E. "Hotel" means any property registered under Section [7.36.060](#) of the Municipal Code and excludes any properties regulated under Chapter [23.314](#) of the Municipal Code.
- F. "Lease Period" means the period during which any owner of a Residential Unit or any person in the Owner's Group of that owner leases that Residential Unit to one or more tenants under a bona fide lease intended for occupancy, but not including any lease or rental of that Residential Unit to anyone in the Owner's Group or to travelers, vacationers, or other transient occupants.
- G. "Owner Death Period" means, with respect to a co-owner or decedent's estate, heirs, or beneficiaries, the period during which a Residential Unit is unoccupied, uninhabited, or unused because of the death of any owner of a Residential Unit who was the sole occupant of that Residential Unit immediately prior to such owner's death, provided that such period shall not exceed the longer of two years or the period during which the Residential Unit is subject to the authority of a probate court.
- H. "Owner In Care Period" means the period during which a Residential Unit is unoccupied, uninhabited, or unused because the occupant of the Residential Unit who used that Residential Unit as their principal residence is residing in a hospital, long term or supportive care facility, medical care or treatment facility, or other similar facility.
- I. "Owner's Group" means for each owner of a Residential Unit, with respect to each Residential Unit, the owner, any current or former co-owner, and any Related Person or Affiliate of the owner or any current or former co-owner.
- J. "Rehabilitation Period" means the two-year period following the date that the City issues a building permit for repair, or rehabilitation, with respect to a Residential Unit, provided that if the City issues multiple building permits to or for the benefit of one or more persons in the Owner's Group for the same Residential Unit, the Rehabilitation Period shall mean only the two-year period following the issuance of the first building permit to or for the benefit of anyone in the Owner's Group.
- K. "Related Person" means a spouse, domestic partner, child, parent, or sibling.
- L. "Residential Unit" means a house, an apartment, a group of rooms, or a single room that is designed as separate living quarters Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have a kitchen and direct access from the outside of the building or

through a common hall. For purposes of this Chapter, a Residential Unit shall not include a unit in a Hotel, a currently operational nursing home, residential care facility, or other similar facility, or any unit that is fully exempt from property tax under the welfare exemption under Section [214\(g\)](#) of the California Revenue and Taxation Code, as may be amended from time to time.

M. "Vacancy Exclusion Period" means the Building Permit Application Period, Rehabilitation Period, Disaster Period, Homeowners' Exemption Period, Lease Period, Owner Death Period, or Owner In Care Period.

N. "Vacant" means unoccupied, uninhabited, or unused, for more than 182 days, whether consecutive or nonconsecutive, in a calendar year. (Ord. 7849-NS § 1, 2022)

### **7.54.040 Imposition of Tax.**

A. Except as otherwise provided in this Chapter, the City imposes an annual Empty Homes Tax on each person that owns a Residential Unit for keeping that Residential Unit Vacant for more than 182 days, whether consecutive or nonconsecutive, in a calendar year except for those periods defined as a Vacancy Exclusion Period.

B. The Empty Homes Tax on an owner keeping a Residential Unit Vacant shall be as follows:

1. For the first calendar year that the Residential Unit is Vacant, the tax shall be \$3,000 per Residential Unit in a vacant condominium, duplex, single family dwelling, or townhouse unit under separate residential unit ownership and \$6,000 per any other vacant Residential Unit.

2. For the second consecutive calendar year and each subsequent calendar year thereafter that the Residential Unit is Vacant, the tax shall be \$6,000 per Residential Unit in a vacant condominium, duplex, single family dwelling, or townhouse unit under separate residential unit ownership and \$12,000 per any other vacant Residential Unit.

C. The rates set forth in subsection [B.](#) of this Section shall be adjusted annually in accordance with the increase in the Consumer Price Index: All Urban Consumers for the San Francisco/Oakland/San Jose Area for All Items as reported by the United States Bureau of Labor Statistics, or any successor to that index, as of December 31st of the preceding year, beginning with the 2025 calendar year.

D. The Empty Homes Tax shall be payable by the owner or owners of the Residential Unit kept Vacant. Not more than one tax per Residential Unit shall be imposed under this Section for a calendar year by reason of multiple liable owners. If there are multiple liable owners, each owner shall be jointly and severally liable for the tax, which shall be the highest amount of tax payable by any owner for that Residential Unit for that calendar year.

E. In determining whether an owner has kept a Residential Unit Vacant during a calendar year, days within any Vacancy Exclusion Period shall be disregarded if that Vacancy Exclusion Period applies to that owner for that Residential Unit, as shall days in which the Residential Unit was not owned by the owner, but the owner shall be deemed to have kept the Residential Unit unoccupied, uninhabited, or unused on all other days that such Residential Unit is unoccupied, uninhabited, or unused during the calendar year.

- F. The Empty Homes Tax shall take effect on January 1, 2024. The Empty Homes Tax shall expire on December 31, 2034, unless reauthorized by the voters prior to such date.
- G. The Empty Homes Tax shall be suspended for as long as the Berkeley COVID-19 Residential Eviction Moratorium is in effect pursuant to BMC [13.110](#) and the tax shall resume upon expiration.
- H. Upon declaring a citywide emergency, the Council may suspend the tax in whole or part by a supermajority vote of two-thirds of the entire City Council upon a finding that a declared emergency has undermined the ability of owners to fill vacancies in their Residential Units. Such a suspension shall last for no more than 60 days from its enactment by the Council, but may be extended on or before its expiration by a two-thirds supermajority vote of the Council so long as the emergency continues and the required findings can be made. The Empty Homes Tax shall resume upon the expiration of the emergency.
- I. The Council may, by majority vote of the entire City Council, amend this Chapter in furtherance of its purposes or to correct ambiguities or errors in language, provided that such amendments do not alter the dollar amounts of the tax as provided in Section [7.54.040 B](#), or expand the applicability of the exemptions in Section [7.54.060](#), or amend subsection [H](#). or this subsection I. of Section 7.54.040. (Ord. 7849-NS § 1, 2022)

### **7.54.050 Returns--Presumption of Vacancy.**

- A. Each person that is required to pay the Empty Homes Tax shall file a return in the form and manner prescribed by the City Manager or their designee.
- B. Each person that owns a Residential Unit at any time during a calendar year and that is not exempt from the Empty Homes Tax with respect to that Residential Unit under any one of subsections [A](#). through [D](#). of Section [7.54.060](#) shall file a return for that calendar year in the form and manner prescribed by the City Manager or their designee. A person that fails to file the return required by this subsection B. for a Residential Unit shall be presumed to have kept that Residential Unit Vacant for the calendar year for which such return is required. The person who fails to file the required return may rebut the presumption by producing satisfactory evidence that such person did not keep the Residential Unit Vacant during the calendar year for which the return is required. (Ord. 7849-NS § 1, 2022)

### **7.54.060 Exemptions.**

- A. For only so long as and to the extent that the City is prohibited by the Constitution or laws of the State of California or the Constitution or laws of the United States from imposing the Empty Homes Tax on any person that person shall be exempt from the Empty Homes Tax.
- B. Any organization that is exempt from income taxation under Section [501\(c\)\(3\)](#) of the Internal Revenue Code of 1986, as amended, shall be exempt from the Empty Homes Tax.

- C. The City, the State of California, and any county, municipal corporation, district, or other political subdivision of the State shall be exempt from the Empty Homes Tax, except where any constitutional or statutory immunity from taxation is waived or is not applicable.
- D. A natural person or trust who is the owner of a single property of four or fewer Residential Units, inclusive of accessory dwelling units and junior accessory dwelling units, that is their principal residence shall be exempt provided that they own no other Residential Units in the City. Additionally, for the purposes of this subsection D. only, the "owner" of such Rental Property shall not be any of the following set forth under California Civil Code Section [1947.12\(d\)\(5\)\(A\)\(i\)-\(iii\)](#) ("AB 1482"): a real estate investment trust, as defined in Section [856](#) of the Internal Revenue Code; a corporation; or a limited liability company.
- E. Any taxpayer seeking an exemption under this Section shall be required to demonstrate their entitlement thereto annually by submitting an application and supporting documentation to the City Manager or their designee in the manner and at the time established in regulations and/or guidelines hereafter promulgated by the City Manager subject to review by the City Council in its discretion. Such applications shall be on forms provided by the City Manager, or their designee. (Ord. 7849-NS § 1, 2022)

### **7.54.070 Administration--Penalties.**

- A. The City Manager or their designee shall enforce the provisions of this Chapter and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this chapter.
- B. The tax required by this Chapter is delinquent if not received by the tax administrator on or before February 28 of each year.
- C. Any person who fails to pay the tax required by this Chapter to the City or any amount of tax required to be collected and paid to the City within the time required shall pay a penalty of ten percent of the tax or amount of the tax, in addition to the tax or amount of tax, plus interest at the rate of one percent per month from the date on which the tax or the amount of tax required to be collected became due and payable to the City until the date of payment.
- D. Transactions with the principal purpose of avoiding or evading all or a portion of the Empty Homes Tax shall be disregarded for purposes of determining the amount of the Empty Homes Tax and whether the Empty Homes Tax is due. Any owner determined to have engaged in one or more transactions with the principal purpose of avoiding or evading all or a portion of the Empty Homes Tax shall be liable for the Empty Homes Tax and also liable for a penalty in an amount equal to the Empty Homes Tax.
- E. Any tax required to be paid by an owner under the provisions of this chapter shall be deemed a debt owed by the owner to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount, along with any collection costs incurred by the City as a result of the person's noncompliance with this chapter, including, but not limited to, reasonable attorneys' fees, plus interest and penalties as herein provided. (Ord. 7849-NS § 1, 2022)

### **7.54.080 Use of Funds for General Municipal Purposes.**

A. The Council may deposit any portion of the proceeds generated by the Empty Homes Tax into the Housing Trust Fund, subject to its operating rules, or it may use any of the proceeds to fund any general municipal services designated by the Council. (Ord. 7849-NS § 1, 2022)

### **7.54.090 Annual Reports.**

Commencing with a report filed no later than February 15, 2026, covering the fiscal year ending June 30, 2025, the City Manager shall file annually with the Council, by February 15 of each year, a report containing the amount of monies collected from the tax during the prior fiscal year. (Ord. 7849-NS § 1, 2022)

### **7.54.100 Authorization and Limitation on Issuance of Bonds.**

The City shall be authorized to pledge revenues generated by the Empty Homes Tax to the repayment of limited tax bonds or other forms of indebtedness authorized under this Section. The Council shall by ordinance or resolution, as applicable, establish the terms of any limited tax bonds or other forms of indebtedness authorized hereby, including but not limited to, the amount of the issue, date, covenants, denominations, interest rate or rates, maturity or maturities, redemption rights, tax status, manner of sale, and such other particulars as are necessary or desirable. (Ord. 7849-NS § 1, 2022)

### **7.54.110 Severability.**

If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The People of the City of Berkeley hereby declare that they would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional. (Ord. 7849-NS § 1, 2022)

### **7.54.120 Savings Clause.**

No section, clause, part, or provision of this Chapter shall be construed as requiring the payment of any tax that would be in violation of the Constitution or laws of the United States or of the Constitution or laws of the State of California. (Ord. 7849-NS § 1, 2022)

### **7.54.130 Liberal Construction.**

This Chapter shall be liberally construed to effectuate its purpose. (Ord. 7849-NS § 1, 2022)

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**The Berkeley Municipal Code is current through Ordinance 7857-NS, passed March 21, 2023.**

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

[Code Publishing Company, A General Code Company](#)