

RESOLUTION 25-09

CLARIFYING THAT LANDLORDS WHO HAD RENTAL UNITS COME UNDER COVERAGE OF THE RENT ORDINANCE DUE TO THE BERKELEY VOTERS' ADOPTION OF MEASURE BB SHALL NOT BE PROHIBITED FROM RAISING RENTS DUE TO RENT BOARD REGISTRATION FEES NOT BEING PAID PRIOR TO JULY 1, 2025

BE IT RESOLVED by the Rent Stabilization Board of the City of Berkeley (the "Board") as follows:

WHEREAS, Measure BB, which was placed on the general election ballot by the Berkeley City Council and subsequently passed by the voters on November 5, 2024, eliminates many previously-established exemptions and requires landlords to register a number of rental units that were previously exempt from registration fees, including, but not limited to: Section 8 and other government-subsidized units; and

WHEREAS, the Rent Ordinance amendments established by Measure BB became law on December 20, 2024; and

WHEREAS, at the time Measure BB became law, agency staff began to provide services to landlords and tenants of all units affected by this new registration requirement; and

WHEREAS, registration fees became due and owing at the time Measure BB was certified as law; and

WHEREAS, the Board made the decision not to begin to bill landlords affected by Measure BB until the upcoming fiscal year registration fees are established so as to not create two billing cycles in short proximity for these landlords; and

WHEREAS, landlords affected by Measure BB will receive a bill that covers half of the Fiscal Year 2024-2025 given that their units became subject to registration requirements in late December 2024 and all of Fiscal Year 2025-2026; and

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WHEREAS, BMC Section 13.76.110D.4. and Regulation 1147 make clear that landlords are prohibited from imposing rent increases until they are fully compliant with the registration process which includes full payment of all registration fees; and

WHEREAS, technically, landlords who now have to register their rental units due to Measure BB are not in compliance with the registration requirements of the Rent Ordinance as they have not paid fees since the law went into effect; and

WHEREAS, given that the Board has not yet billed any of these units, it would be unfair to restrict landlords from lawfully increasing tenants' rents solely based on their noncompliance with the registration requirements of the Rent Ordinance; and

WHEREAS, landlords affected by Measure BB should have the opportunity to comply with timely payment of registration fees once they receive their bills;

NOW, THEREFORE, BE IT RESOLVED, that the City of Berkeley Rent Stabilization Board hereby clarifies that landlords who are now required to pay registration fees based on the changes made to the Rent Ordinance by Measure BB are permitted to lawfully increase rents until July 1, 2025, regardless of whether they have paid any Board registration fees; and

BE IT FURTHER RESOLVED that by adopting this resolution the Board makes no determination regarding what constitutes a "lawful rent increase" and that tenants shall maintain the right to contest increases they believe to be unlawful; and

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BE IT FURTHER RESOLVED that the restriction on imposing rent increases identified by the Rent Ordinance and corresponding regulations shall continue to apply to all fully-controlled rental units (including those that became subject to registration requirements due to Measure BB) after July 1, 2025, when all landlords will have had a full and fair opportunity to comply with the statutory Rent Ordinance registration requirements.

Dated: March 20, 2025

Adopted by the Rent Stabilization Board of the City of Berkeley by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

Soli Alpert, Chairperson
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director
Rent Stabilization Board