



Rent Stabilization Board

DATE: June 16, 2025

TO: Honorable Members of the Rent Stabilization Board

FROM: DeSeana Williams, Executive Director

SUBJECT: Recommendation to adopt Resolutions authorizing the Executive Director to execute a contract modification with the Eviction Defense Center (EDC) in an amount not to exceed \$435,500 annually and the East Bay Community Law Center (EBCLC) in an amount not to exceed \$423,605 annually for the 2025/26 and 2025/26 fiscal years and to make technical adjustments to the reporting metrics under the contract

Recommendation:

That the Board adopt Resolutions 25-17 and 25-18 authorizing the Executive Director to modify the current contracts with EDC and EBCLC to extend their terms through June 30, 2027 and increase the contracts in an amount not to exceed \$435,500.00 with the EDC and in an amount not to exceed \$423,605.00 with EBCLC (including \$275,000 from the City Council General Fund for each contract) per fiscal year. The total payable under these contracts shall not exceed \$1,740,000.00 for the EDC and \$1,694,420.00 for EBCLC. The Resolutions also authorize the Executive Director to make a technical adjustment to the reporting and funding metrics under the contract.

Background and Need for Rent Stabilization Board Action:

The Board has annually awarded contracts to community organizations for the provision of housing-related services to low-income tenants. Historically, the Board has contracted with EDC, EBCLC, and Housing Rights, Inc. (HRI) to provide these services. EDC and EBCLC primarily provide eviction defense services to low-income households. HRI provided counseling on general landlord-tenant issues. The services provided by HRI are now provided by the Board's Public Information Unit.

Costa-Hawkins and the advent of vacancy decontrol significantly increased the financial incentive for an owner to evict a long-term tenant in good standing. In the first few years of vacancy decontrol the Board witnessed hundreds of cases of owners attempting to evict tenants without "good cause," so they could increase the rent paid by a new tenant. This undermines the stated intent as well as the integrity of the Ordinance. The Board responded by increasing outreach and information and ensuring that low-income households had access to eviction defense services from the EDC and EBCLC.

Since 2001 the Board has annually authorized funding for both the EDC and the EBCLC;

although, since 2017, the majority of the funding for these agencies has come through Council. The Board's most recent contracts with both providers commenced in 2023. Prior to that date, the Board had been funding both providers through a series of contract amendments. In April 2023, the Board released a new RFP for these services. The new RFP made two changes to the contracts: 1) changed the contract length from one to two years; and 2) added new outcomes-based reporting metrics. The Board asked the providers to track and report "material benefits" that the providers achieved for the subset of clients who received the full representation level of service, including whether a tenant retained their current housing as a result of the representation. A material benefit includes the enforcement of a legal right, additional time to vacate a rental unit in an eviction, a financial award, or a waiver of rental debt. The State Bar requires similar reporting from grantees for civil legal services at the state level.

Both EDC and EBCLC responded to the Request for Proposals, and the agency selected their proposals after a review process. At its regular meeting on June 15, 2023, the Board authorized the Executive Director to execute the current two-year contract, which expires June 30, 2025.

During the current budget cycle, EDC and EBCLC continued to provide legal services that preserve community diversity and prevent mass displacement of vulnerable tenants. The providers were responsive to agency staff referrals, especially for clients in time-sensitive circumstances or who presented with complicated legal issues. Additionally, the increased reporting metrics allowed agency staff to better analyze the impact of legal representation on keeping vulnerable tenants housed.

Under the contracts, the providers are required to provide "in-depth" or "full" representation to a subset of Berkeley tenants. EBCLC has requested that the Board clarify that legal matters beyond lease termination and evictions where the organization provides representation to a tenant that directly assist the tenant in maintaining their housing would qualify as "in-depth" or "full" representation cases. Because the agency understands the purpose of these contracts to be support of legal services that promote housing rights and stability, the agency recommends amending the definition of "in-depth" or "full" presentation to include legal matters that help "maintain housing."

Both organizations have provided a summary of their services in the most recent fiscal year and their contract needs for the next cycle, attached as Exhibit A. Board staff recommends extending these current contracts at the same funding level to preserve the services provided to the community and to create a longitudinal record of the impact of these services.

City Council Funding

In 2017 it became apparent that the need for services outpaced the Board's ability to adequately respond to the existing housing affordability crisis and the resultant incentive to displace long-term tenants. On July 25, 2017, City Council approved additional funding of \$300,000 for fiscal year 2017/18 and \$300,000 for fiscal year 2018/19 to be added, as amendments, to the Board's contract with the EDC and the EBCLC (\$150,000 per provider, per year). This city funding, which has been administered by the Rent Board, was earmarked to provide additional assistance to

extremely low, very low, low- or moderate-income Berkeley tenants in order to provide counseling and advocacy for tenants facing or threatened with displacement.

That two-year funding cycle allowed the EDC and the EBCLC to expand their scope of services as well as the volume of assistance provided to Berkeley tenants. The added funding allowed the providers to serve the additional clientele of moderate-income tenants and tenants who live in units that are partially exempt from the rent ordinance such as Section 8 tenants or tenants in single-family homes. Further, the additional assistance has allowed the providers to assist tenants with issues pertaining to provisions of the Tenant Protection Ordinance and the Relocation Ordinance.

On July 23, 2019, the City Council adopted a resolution authorizing the transfer of \$550,000 to the Rent Board for fiscal years 2019/20 and 2020/21 respectively to amend their contracts with the providers to provide services similar to the initial prior two-year cycle. The City Council has continued to provide annual funding to the Board in the amount of \$275,000 through the current contract cycle.

Agency staff engaged with the City Manager's Office regarding the City's contribution in the two fiscal years. Although the City is not scheduled to pass its budget resolution until later this month, materials submitted in advance of the City's final budget approval indicate that the City will maintain its current level of spending for Measure U1 anti-displacement programs: \$550,000.00 total per fiscal year.

Financial Impact:

The funding request is \$435,500 for the EDC and \$423,605 for the EBCLC for a total of \$859,105 per fiscal year. The City Council will provide the Board with \$550,000 in funding towards these contracts and the Board is responsible for funding the remaining \$309,105. Based upon the proposed budget included elsewhere in your agenda package, there is sufficient funds in the fiscal year 2025/26 budget to cover the Board's portion of these contract amounts.

Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director (510) 981-7368

Attachments:

1. Eviction Defense Center Services Summary
2. East Bay Community Law Center Services Summary

Collective Legal Services
THE EVICTION DEFENSE CENTER
A Nonprofit Law Corporation
350 Frank H. Ogawa Plaza, Suite 703
Oakland, CA 94612
510-452-4541 (voice) 510-452-4875 (fax)

June 4, 2025

Oliver Ehlinger, Esq.
Berkeley Rent Stabilization Board
2125 Milvia Street
Berkeley, CA 94704

re: 2026/2027 work plan and budget, 2025 summary of services

Dear Mr. Ehlinger:

Enclosed, please find a brief summary of services provided under our current contract along with our FY 2026-2027 work plan and proposed budget. The work plan assumes funding at the same level from both the Rent Board and City Council with no increase.

Under the current contract, the Eviction Defense Center [EDC] anticipates serving **400** unduplicated Berkeley tenants every year. With one month left on our Fiscal Year 2025 contract, we have already served over **776** unduplicated tenants. We are on pace to serve over 800 tenants in this grant cycle, which is double the anticipated amount.

In the past eleven months we have handled over **96** unlawful detainer actions, with over **212** court appearances for Berkeley tenants. We have continued to make home visits to Berkeley clients who are too elderly or disabled to make it into our office. Our case worker makes regular visits to clean and maintain homes with excessive clutter and conduct regular wellness checks.

Despite facing overwhelming covid debt balances, the EDC was able to resolve over **65%** of cases so that tenants could remain in their homes. As we move past the covid-debt era, we anticipate that this percentage should rise dramatically.

95% of the clients served have an Area Median Income (AMI) below 50%, and 53% of those clients are living at below poverty level.

Over 57% of clients served were disabled
Over 31% of clients served were senior citizens

48% African American
16% Latino
7% Asian
2% Native/Mixed Race/Other non-white

We are extremely proud of the work we have done to prevent homelessness and displacement of the most vulnerable communities in the City of Berkeley, and we would be honored and grateful to continue the same work in the upcoming grant cycle.

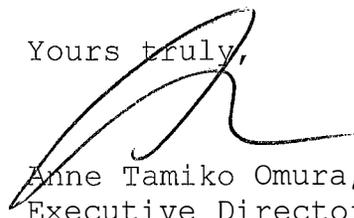
2026/2027 Proposed Work Plan

The EDC proposes providing eviction prevention and anti-displacement services to a minimum of 400 unduplicated tenants each fiscal year. Of those 400 unduplicated tenants, at least 150 shall receive "in-depth legal representation and services," at least 200 shall receive limited scope services, and at least 50 shall receive brief legal services.

Because early intervention is the key to success in maintaining stabilized housing, the EDC will also continue engaging in outreach activities. Currently the EDC sends attorneys to do free tenant counseling at the Berkeley Library and Berkeley Food Pantry. This allows our attorneys to address legal issues in the early stages of conflict when there is a better chance of a positive resolution for clients. As part of this grant proposal, the EDC proposes to continue the same outreach activities with the hope of reaching the most vulnerable communities in need of assistance.

I have attached a proposed budget as well as several case stories from this grant cycle for your review. Please do not hesitate to contact me if you require any further information.

Yours truly,

A handwritten signature in black ink, appearing to read 'Anne Tamiko Omura', written over the typed name below.

Anne Tamiko Omura, Esq.
Executive Director

Mr. S

Mr. S is a single father to a 4-year-old autistic son. He is a monolingual Spanish speaking immigrant who works as a dishwasher and busboy at different restaurants in Berkeley. In November of 2024, the main restaurant that employed him closed down. Because he is undocumented, he was unable to apply for unemployment, placing him and his son at high risk of becoming homeless. By the time Mr. S was able to find another restaurant job, he was over \$7000 behind in rent, and an unlawful detainer action was filed against him.

The EDC represented Mr. S in his unlawful detainer. Unfortunately, because he had lived in his rent-controlled unit for over 10 years, the landlord was very motivated to evict him. After several months of litigation, the EDC was finally successful in keeping Mr. S and his son in their home. The EDC was able to obtain a rental assistance grant to pay off the back rent and keep Mr. S and his son stably housed.

Mr. B

Mr. B is a 71-year-old disabled senior suffering from cognitive decline. He survives on a very low fixed income from Social Security. In 2021, during the pandemic, he had an unexpected and uncovered medical expense. As a result, he was unable to pay his rent for one month. Unfortunately, thereafter the landlord refused to accept payments unless he was able to pay off the entire balance. By the time Mr. B came to the Eviction Defense Center mid-2024, he owed over \$50,000 of back rent and had been served with an unlawful detainer.

The EDC assigned a case worker to Mr. B to make regular home visits and also connected him to the City of Berkeley Aging Services Division for further supportive services. The unlawful detainer litigation spanned over 6 months. During that time, the EDC worked with Mr. B to have him set aside his rent every month. The EDC also obtained a rental assistance grant. Unfortunately, the maximum amount of the grant was \$8000.00. The landlord was extremely resistant to allowing Mr. B to stay in his home. After multiple court appearances and a special assignment to a settlement commissioner, the EDC was finally able to resolve the case to keep Mr. B in his home. The EDC was able to get \$45,000 of the back rent waived and brought Mr. B

current in rent with the rental assistance grant. The EDC continues to monitor and support Mr. B to ensure his future housing stability.

Mr. T

Mr. T is an 87-year-old legally blind tenant who has lived in his Berkeley apartment for over 20 years. Mr. T came to the EDC in August of 2024 with an eviction notice, alleging excessive clutter. The EDC immediately sent a caseworker to the premises to remedy any alleged clutter. The EDC then began engaging with the landlord to prevent any further eviction activity, including asserting all disability reasonable accommodation claims. The EDC was successful in getting the landlord to back down and drop any further eviction proceedings. The EDC case manager continues to check in on Mr. T and assist him with maintaining his apartment to prevent any further eviction threats.

The EDC case workers currently do regular home visits for 15 disabled seniors who have issues with clutter or face other challenges that could, if unsupported, result in housing destabilization. They are a vital piece of wrap around services that are frequently necessary to keep the most vulnerable tenants in their homes.

EVICTION DEFENSE CENTER – BUDGET

CONTRACTOR: The Eviction Defense Center BL#030676

TOTAL FUNDING REQUEST: \$435,500.00/year to serve 400 unduplicated tenants per Project Proposal

DIRECT COSTS – LABOR/BENEFITS

| EMPLOYEE | HOURLY RATE | TOTAL HOURS | AMOUNT CHARGED | TOTAL ANNUAL CONTRACT |
|----------------------------------|-------------|-------------|----------------|-----------------------|
| Supervising Attorneys | \$60.10 | 1040 | \$62,504.00 | \$62,504.00 |
| Staff Attorneys | \$48.08 | 3432 | \$165,010.56 | \$227,514.56 |
| Paralegals | \$37.50 | 346 | \$12,975.00 | \$240,489.56 |
| Intake Specialists/Case Managers | \$37.50 | 2293 | \$85,987.50 | \$326,477.06 |
| | | 7111 | \$326,477.06 | \$326,477.06 |
| | | | | |

FRINGE BENEFITS @ 15% OF TOTAL LABOR = \$48,971.56

DIRECT COSTS – LITIGATION FEES

| | | | | | |
|----------------------|--|--|--|--|-------------|
| LITIGATION EXPENSES* | | | | | \$10,000.00 |
|----------------------|--|--|--|--|-------------|

*includes court costs, process service, filing fees, depositions, investigative reports, expert witness reports, inspection reports, and expert witness testimony

OVERHEAD COSTS @ 13% OF TOTAL DIRECT COSTS = \$50,051.38

\$435,500.00

RESOLUTION 25-17

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) BY EXTENDING THE TERM THROUGH JUNE 30, 2027 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$871,000 FOR FISCAL YEARS 2025/26 AND 2026/27 AND TO MAKE TECHNICAL ADJUSTMENTS TO THE REPORTING METRICS UNDER THE CONTRACT

BE IT RESOLVED BY the Rent Stabilization Board of the City of Berkeley as follows:

WHEREAS, the primary intent of the Rent Stabilization Board and the Rent Stabilization and Eviction for Good Cause Ordinance is to preserve affordable housing so as to continue the diversity the Berkeley community has embraced for decades; and

WHEREAS, effective administration of the Rent Stabilization and Eviction for Good Cause Ordinance and advocacy surrounding the eviction protections listed therein have proven the most effective way to preserve affordable housing and prevent displacement that often leads to homelessness; and

WHEREAS, the Board first contracted with the Eviction Defense Center (EDC) in 2001 to provide services to lower-income Berkeley tenants, and the Board had extended the contract with amendments through Fiscal Year (FY) 2022/23; and

WHEREAS, in April of 2023 the City of Berkeley issued a formal Request for Proposal (RFP) asking qualified vendors to submit proposals for the providing of outreach and legal services to lower income Berkeley tenants; and

WHEREAS, EDC was one of two vendors that submitted proposals that met the RFP requirements; and

WHEREAS, the Board has been extremely pleased with the excellent services provided by the EDC since 2001; and

RESOLUTION 25-17

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) BY EXTENDING THE TERM THROUGH JUNE 30, 2027 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$871,000 FOR FISCAL YEARS 2025/26 AND 2026/27 AND TO MAKE TECHNICAL ADJUSTMENTS TO THE REPORTING METRICS UNDER THE CONTRACT (Page 2)

WHEREAS, EDC performed valuable work that significantly contributed to the preservation of affordable rental housing in Berkeley under the current contract which is set to expire on June 30, 2025; and

WHEREAS, under the reporting metrics introduced into the current contract, EDC provided the Board valuable insight into the impact of receiving services from EDC; and

WHEREAS, the Berkeley City Council, in recognition of the need for additional anti-displacement counseling and eviction defense services to be provided to Berkeley tenants, has allocated annual funding to EDC for this purpose through Measure U1 since 2017; and

WHEREAS, the Board expressed a desire that its Executive Director maintain a contract of at least two-years in duration with any vendors providing anti-displacement services to lower income tenants; and

WHEREAS, the Board anticipates the City Council will approve \$275,000 in funding to EDC for both FY 2025/26 and FY 2026/27 and agrees to authorize the Board's Executive Director to disburse any funding allocated by the City Council toward the services provided by this contract; and

WHEREAS, the Board agrees to provide \$160,500 in funding for the services provided by this contract in FY 2025/26.

RESOLUTION 25-17

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EVICTION DEFENSE CENTER (EDC) BY EXTENDING THE TERM THROUGH JUNE 30, 2027 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$871,000 FOR FISCAL YEARS 2025/26 AND 2026/27 AND TO MAKE TECHNICAL ADJUSTMENTS TO THE REPORTING METRICS UNDER THE CONTRACT (Page 3)

NOW, THEREFORE BE IT RESOLVED, that the Rent Stabilization Board authorizes the Board's Executive Director to modify the contract with EDC to extend its term through June 30, 2027, and increase the contract in an amount not to exceed \$435,500.00 (including \$275,000 from City Council General Fund) per fiscal year. The total payable under this contract shall not exceed \$1,742,000.00.

BE IT FURTHER RESOLVED, that the Rent Stabilization Board authorizes the Executive Director to modify Paragraph 2 of the Scope of Services to read (addition in italics):

Contractor shall provide "in-depth legal representation" in eviction or housing rights matters to at least 150 "low-income" Berkeley tenants during each fiscal year. In such cases, Contractor shall open an ongoing case file and shall provide extensive counseling, negotiation, and/or representation by licensed attorneys in court to contest an eviction, assert an affirmative housing right, *or maintain housing*.

Dated: June 16, 2025

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

RECUSED:

Soli Alpert, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director