



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

Berkeley Rent Board/City Council Funds	
FY24-25 Client Report July 1, 2025-May 31, 2025	
Agency: East Bay Community Law Center	
Report Period: July 1, 2024-May 31,2025	
Prepared By: Shauna Fujimoto	

Service/Activity	Reporting Period	
I. Pre-Litigation/Brief Services (Referrals, brief legal advice)	24	*Includes clients previously reported came back with new issues and received pre-litigation services only. They are not included in demographic report.
II. Limited Scope (Pro Per Assistance/Tenants Rights Workshop/Answer Clinic)	115	*Includes clients previously reported who came back with new legal issues and received limited scope services. They are not counted demographic report.
Issues:		
Unlawful Detainer	29	
Rent Board		
Section 8/Shelter Care	9	
Repairs/Habitability	6	
LL harrassment/TPO	32	
TBO	6	
Rent issues (increase, overcharge, etc)	5	
Security deposit	1	
Lease violation/nuisance	7	
Lock out		
Ellis Act		
foreclosure		
Discrimination/reasonable accommodation	12	
Relocation payments		
Owner move in		
Eviction Notice (Non UD)	8	

Rental Agreement/Terms of Tenancy	10					
Other	5					
Referred from Rent Board	15					
Service/Activity	Reporting Period					
III. Direct Representation	20					
Issues:	UDS	Rent Board	§ 8/Shelter Care	Affirmatives	Nonlitigation Rep.	Litigation Rep
Repairs/Habitability	5					
LL harrassment/TPO	2	1				
TBO						
Rent issues (increase, overcharge, etc)	2					
Security deposit						
Lease violation/nuisance	2					
Lock out						
Ellis Act						
Foreclosure	1					
Discrimination/reasonable accommodation						
Relocation payments						
Owner move in						
3-day Notice						
Retaliation						
Non payment of rent						
Other	6					1

Direct Rep Cases		
New Cases for Reporting Period	20	
Cases Ongoing	40	Includes previously reported cases from FY 23-24
Closed Cases for Reporting Period	21	Includes previously reported cases from FY 23-24 closed in FY24-25.

Direct Rep Cases: Resolution Activity	
Negotiated Settlement without Litigation	4
Unable to Settle, trial date maintained	1
Negotiated Settlement with Litigation	8

Court Decision Favorable	2
Case Dismissed	4
Enforced Housing Rights	2

Direct Rep Cases: Outcomes		Total amount (\$)
Tenant received waiver of rent	3	\$ 128,890
Tenant received move out payment	4	\$ 42,150.00
Tenant received time to move	8	
Tenant retains possession	8	
Other: Landlord harassment ceased	3	

Social Work	
Consultations	13
Direct Rep Clients Receiving Social Work Services	1
Direct Rep Clients Receiving Social Work Services-previously reported	16

WW reached out to EBCLC when she received an eviction notice in 2024. She is a severely disabled senior who was living in a subsidized senior housing property in Berkeley. She had been rushed to the hospital for life-threatening issues. While she was able to receive the care she needed, she was hospitalized for six months and asked a friend to move into the property to care for her elderly pet. This friend accidentally caused a small fire at the property; there were no injuries and minimal damage. However, WW's landlord began eviction proceedings even though she was not at home due to her extensive hospitalization. She was eventually released back to the unit after months of care but was bed-bound and unable to even stand. Instead of focusing on her recovery, she was thrust into a contentious eviction lawsuit. EBCLC's Housing Program stepped in and began rigorously litigating her case and connected her with our social work team. Our housing attorney engaged in lengthy negotiations with litigation to ensure WW was able to receive eight months to move out; a full waiver of back rent; and relocation costs for when she is released from the long-term care facility she is currently residing due to her most recent hospitalization.

Initially, WW's primary goal was to continue living independently and age in place, and our social work supported her in this aspiration. However, as her health declined and she required multiple hospital stays, her needs for support significantly increased. After multiple hospitalizations, she eventually was moved into a skilled nursing facility as she recovers from her most recent surgery. Throughout WW's legal battle, our social worker stepped in to provide extensive advocacy with hospital and care facility staff; obtained an increase in hours for In-Home Support Services (IHSS); advocated with Adult Protective Services for a specific situation; coordinated with Lifelong Medical Care; organized and managed WW's belongings for a unit clean out; and is actively assisting WW in securing stable housing if and when she is able to move. She also arranged for movers to respectfully handle WW's belongings as she transitioned from her residence and could not be present at the time of moving. Additionally, our social worker provided emotional support to WW as she was dealing with heavy issues and the stress from legal proceedings. EBCLC continues to provide holistic services to WW during this time to meet the stipulations of the settlement agreement.

The holistic approach our housing attorneys and social worker engage in is exemplified in the case of WW. Our housing attorneys and social worker conducted several home visits; met with WW while she was hospitalized to discuss legal issues and support needs; and collaborated to ensure all of WW's needs were met respectfully. EBCLC believes this approach ensures that clients can achieve long-term stability rather than a band aid solution which leaves clients vulnerable to additional eviction notice filings.

RESOLUTION 25-18

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EAST BAY COMMUNITY LAW CENTER (EBCLC) BY EXTENDING THE TERM THROUGH JUNE 30, 2027 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$847,210 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 East Bay Community Law Center (EBCLC) in 1996 after the passage of Costa Hawkins necessitated provision of services to lower-income Berkeley tenants, and the Board had extended the contract with amendments each fiscal year 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, EBCLC was one of two vendors that submitted proposals that met the RFP requirements; and

WHEREAS, the Board has been pleased with the excellent services provided by the EBCLC since 1996; and

RESOLUTION 25-18

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EAST BAY COMMUNITY LAW CENTER (EBCLC) BY EXTENDING THE TERM THROUGH JUNE 30, 2027 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$847,210 FOR FISCAL YEARS 2025/26 AND 2026/27 AND TO MAKE TECHNICAL ADJUSTMENTS TO THE REPORTING METRICS UNDER THE CONTRACT (Page 2)

WHEREAS, EBCLC 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, EBCLC provided the Board valuable insight into the population EBCLC serves and the impact of receiving services from EBCLC on a Berkeley resident's ability to remain housed; 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 EBCLC 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 EBCLC 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 \$148,605 in funding for the services provided by this contract in FY 2025/26.

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AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH THE EAST BAY COMMUNITY LAW CENTER (EBCLC) BY EXTENDING THE TERM THROUGH JUNE 30, 2027 AND INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$847,210 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 EBCLC to extend its term through June 30, 2027 and increase the contract in an amount not to exceed \$423,605 (including \$275,000 from City Council General Fund) per fiscal year. The total payable under this contract shall not exceed \$1,694,420.00.

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