



Rent Stabilization Board  
Legal Department

**DATE:** September 18, 2025

**TO:** Honorable Members of the Berkeley Rent Stabilization Board

**FROM:** Honorable Members of the LIRA Committee  
By: Matt Brown, General Counsel

**SUBJECT:** Recommendation to adopt amendments to 1312 [Filing Notices and Complaints with Rent Board] – Second Reading

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### **Recommendation**

That the full Board adopt amendments to 1312 [Filing Notices and Complaints with Rent Board]. The LIRA Committee reviewed staff's proposed amendments at their June 24, 2025 meeting and unanimously recommended adoption of this proposal and the Board recommended adoption on first reading at its July 17, 2025 meeting.

### **Background**

Measure BB was adopted by the Berkeley voters in November of 2024. The measure changed the Rent Ordinance's eviction protections to "just cause" from its previous "good cause." Measure BB also adjusted some of the requirements associated with notifying the Board when landlords initiate an eviction action against a tenant household; namely, the Rent Ordinance now requires landlords to file a copy of a notice of termination, notice to quit, and/or summons and complaint within three days of the date a tenant is served. Previously, the Ordinance allowed the landlord to file within 10 days. The proposed amendments to Regulation 1312 simply align this regulation with the amended Rent Ordinance language.

The proposed text of Regulation 1312 is below. Additions are in red text; deletions are in strikethrough.

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### 1312. Filing of Notices and Complaints with Rent Board

(A) Pursuant to Ordinance section 13D.(4), landlords must file with the Board a copy of any notice of termination, notice to quit, and/or summons and complaint, within ~~ten (10)~~ **three (3)**

days after the tenant has been served with such notice or summons and complaint. The purpose of this requirement is to provide the Board with information from which it may, among other things: (1) ensure compliance with the "just goodcause" provisions of Section 13B.~~(b)~~ of the Ordinance; (2) determine what type of units are being removed from the rental housing stock, e.g., single family homes, condominiums, multi-unit buildings; (3) determine the reasons units are being removed from the rental market, e.g., owner occupancy, Ellis eviction, conversion to condominium, rehabilitation.

(B) A landlord's failure to file any notice of termination, notice to quit, and/or summons and complaint as set forth in Section 13D.~~(d)~~ of the Ordinance shall be a defense to any action for possession of a rental unit covered by this Ordinance.

[Effective April 21, 1995]

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**Name and Telephone Number of Contact Person**

Matt Brown, General Counsel: (510) 981-4930