



## Memorandum

**DATE:** December 9, 2025

**TO:** Honorable Members of the Eviction/Section 8/Foreclosure Committee

**FROM:** Ollie Ehlinger, Staff Attorney  
Jen Fabish, Community Services Specialist

**SUBJECT:** Owner Move-in Eviction Tracking Report (July 2022– June 2025)

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### **BACKGROUND**

#### **I. Measure Y**

In November 2000, in response to a rash of owner-move-in evictions, Berkeley voters adopted Measure Y as an amendment to the Rent Stabilization and Eviction for Good Cause Ordinance. Known as Berkeley's owner move-in (OMI) law, Measure Y was subsequently codified under Berkeley Municipal Code (B.M.C.) Section 13.76.130A.9. Under B.M.C. 13.76.130A.9b., an owner could evict a tenant so that the owner, or his/her spouse, child, or parent could occupy in a rental unit. The owner or relative must have intended to live in the unit for 36 continuous months. Additionally, with few exceptions, property owners could not evict seniors or disabled tenants who have occupied their rental units for five years or more in buildings with four or more units. In addition, property owners who evicted tenant households that qualified as low income were required to pay \$4,500 relocation assistance prior to the tenants relinquishing possession of their rental units.

After an owner move-in eviction, the rental rate for the next tenancy established in the vacant unit cannot exceed the lawful apparent rent ceiling that applied to the former tenancy. (Rent Board Reg. 1016). Furthermore, the evicted tenant/s have the opportunity move back into the unit if they expressed an interest in doing so at the time of the eviction. (B.M.C. 13.76.130A9.o.)

## II. Measure AA

In November 2016, Berkeley voters passed Measure AA, which amended Measure Y. While many of above-referenced provisions of the owner move-in law remain the same, Measure AA implemented the following substantial changes:

- Property owners who evict tenants for owner move-in purposes must pay a standard relocation fee to all tenant households where at least one occupant has resided in the unit for more than one year.
- Qualifying low-income, disabled, elderly, families with minor children, or those tenancies that began prior to 1999 are eligible to receive an additional relocation assistance payment.
- Families with minor children are protected from being evicted during the school year.
- A City or Rent Board hearing examiner can adjudicate disputes regarding a tenant's entitlement to the additional relocation assistance.

The 2025 standard relocation assistance amount is \$19,126, and is increased each year by the percentage increase in the Consumer Price Index – All Urban Consumers in the San Francisco-Oakland-San Jose Region for the 12-month period ending June 30 of the prior year, as published by the United States Department of Labor. The current additional relocation assistance amount is \$6,375, which may also be adjusted each year as described above.

Finally, as under Measure Y, Measure AA requires that “. . . at least twice annually, Rent Board Staff shall report to the Rent Board regarding the occupancy status of units possession of which has been recovered . . . within the prior thirty-six months.” (B.M.C. 13.76.130A9.r.)

## **OMI Report: July 1, 2022-June 30, 2025**

### **STAFF MONITORING**

To ensure that tenant protections are not violated, Rent Board staff endeavor to contact occupants living in units that have received OMI eviction notices at least once every six months. Staff typically send a letter to select units notifying the occupant of the rent ceiling that would apply if they are a tenant rather than the owner or qualified family member (Attachment 1). Staff also research information in our database and county ownership records to ensure that residency information is correct. Additionally, staff typically conduct focused site visits to try to ascertain residency when there is a question as to whether the owner or family member actually lives in the unit after an OMI notice is sent.

When staff receives information that a new tenant may be living in a rental unit following an OMI eviction, staff may contact the owner and/or tenant to ascertain the facts and circumstances pertaining to this occupancy. Staff will often provide counseling to both the owner and tenant when appropriate regarding the proper rent ceilings for that unit. Additionally, when appropriate, staff will attempt to contact tenant households displaced from a rental unit due to an OMI notice to explain the options, rights and remedies that may be available if it appears that the Ordinance has been violated.

### **COVID-19 SHELTER-IN-PLACE & EVICTION MORATORIUM**

Due to the COVID-19 pandemic, the City of Berkeley declared a local State of Emergency on March 3, 2020. On March 16, 2020, the City of Berkeley Public Health Officer issued a Shelter-in-Place Order, and has subsequently issued a number of Health Orders aimed at reducing the spread of COVID-19. On March 17, 2020, the City of Berkeley passed the COVID-19 Emergency Response Ordinance that placed a moratorium on most evictions, including OMI evictions through April 2023. (B.M.C 13.110.) Starting May 1, 2023 and lasting until the COVID eviction moratorium's ultimate expiration on August 31, 2023, certain owner move-in evictions were permitted. During this "transition" period of the moratorium, owners who owned only one rental property in Berkeley were permitted to initiate an owner move-in eviction. However, the Rent Board did not receive any owner move-in requests during the "transition" period of the moratorium.

### **OMI NOTICES AND RELOCATION ASSISTANCE PAYMENTS**

#### **Notices Filed with the Rent Stabilization Board**

Between July 1, 2022, and June 30, 2025, a total of eight OMI eviction notices were filed. Five were for owner-move-in, and three were for a qualifying relative move-in.

Unit designation	Number of notices sent	Unit currently tenant-occupied
Single family home	0	0
Duplex	1	0
Triplex	2	0
Fourplex	5	4
Five units & more	0	0

### Relocation Assistance

In four cases, the tenants received the standard relocation payment. In three of those four cases, the tenant also received the additional relocation assistance payment. Four notices from this reporting period were rescinded and the relocation assistance payments deposited with the Rent Board were refunded to the owner.

Grounds for Additional Relocation Assistance Payment	Number of Claims
Minor Child	1
Disabled	1
Low Income	1
60 or more years old	1
Long-term Tenant	0

The number of grounds in the table above may exceed the number of additional relocation claims for the reporting period because tenants can specify multiple grounds.

## **NARRATIVE DATA FROM STAFF RESEARCH**

### Single Family Homes

There were no OMI notices served on single-family homes during the current reporting period.

### Duplexes

A tenant at one duplex property received a notice. Staff verified that the tenant who received the notice has vacated, and the unit has been updated to the rent-free occupant exemption in the online rent registry. Staff have not yet verified that the designated family member has moved in. This property is eligible for the owner-occupied duplex exemption if it becomes owner-occupied, but the OMI notice was for a qualified family member.

### Triplexes

There were two OMI notices served on triplex properties during the current reporting period. In one case, staff have verified the unit is owner-occupied. The other case remains under investigation.

### **Fourplexes**

Five notices were served fourplex properties during the current reporting period. In four cases, the notices were rescinded, and the tenants appear to remain in their units. In the fifth case, staff has verified the unit is owner-occupied.

### **Five or more units**

There were no OMI notices served on properties with five or more units during the current reporting period.

## **OWNERSHIP HISTORY PRIOR TO OMI FILING**

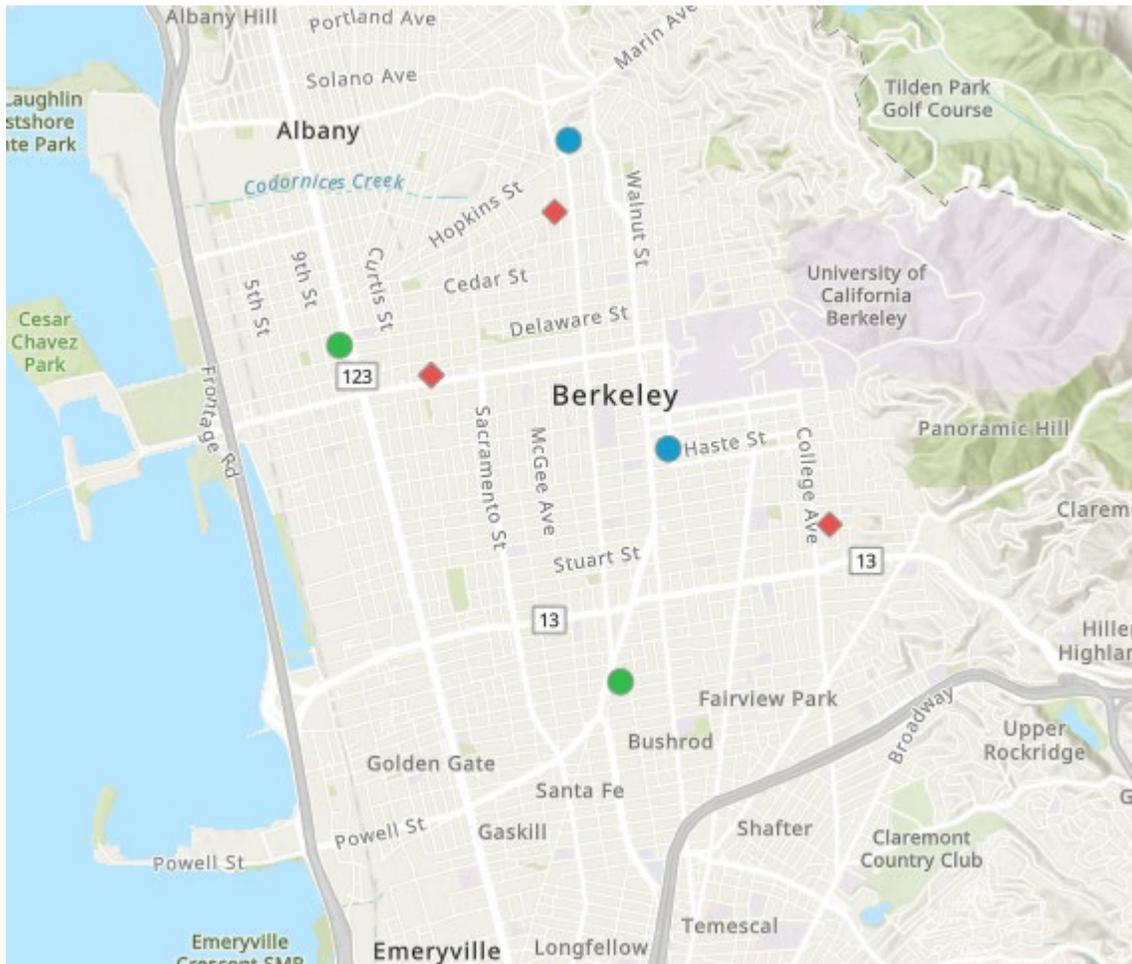
Previously, the committee requested data showing how long a landlord owned the property prior to filing an OMI notice.

<b>Ownership Prior to Notice</b>	<b>Number of Properties</b>
less than 1 year	2
Between 1 and 2 years	2
2 to 5 years	2
5 to 10 years	0
More than 10 years	2

## **LOCATION OF OMI PROPERTIES**

### **General Distribution**

The map below shows the general distribution of OMI notices for the current reporting period of July 2022-June 2025. Though there are eight notices in the current reporting period, the map shows seven points because two notices were served at the same address (for different units).



- Owner Notice
- Family Notice
- ◆ Owner Notice - Last 6 Months
- ◆ Family Notice - Last 6 Months

**Geographic Location and Market Area**

The table below shows the geographic location and market area of properties that received an OMI Notice in the last six months of the current reporting period. Attachment 2 shows the geographic location and market area for all properties subject to OMI notices during the current reporting period.

Date filed	Street	Market Area
2/12/2025	2729 Stuart St.	University Area (Area 3)
2/12/2025	1310 Berkeley Way #1	Central Berkeley (Area 2)
2/12/2025	1310 Berkeley Way #4	Central Berkeley (Area 2)
4/7/2025	1817 Rose St.	North Berkeley (Area 1)

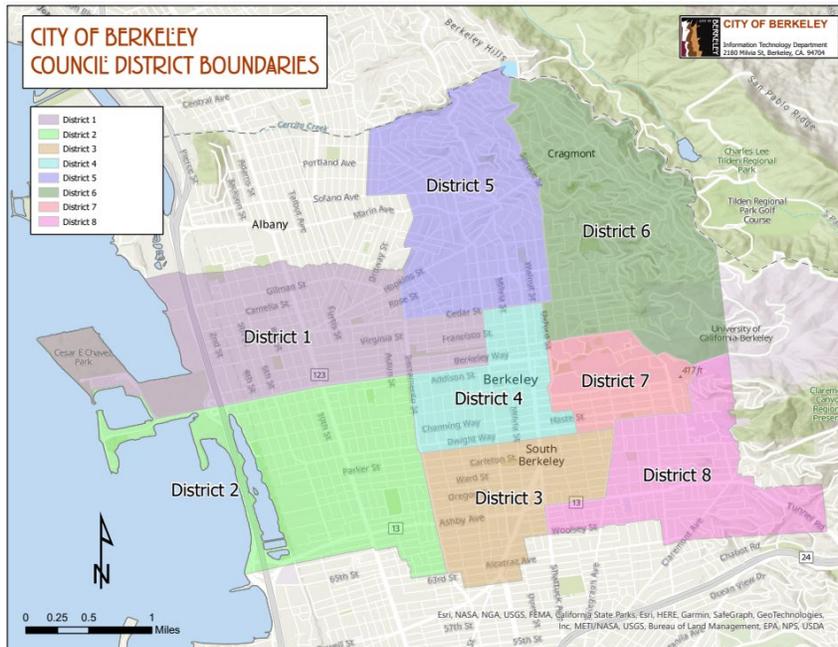
City of Berkeley Census Tract Map & Market Areas



### Council Districts

At its April 13, 2017, meeting, the Committee requested information about the City Council District for OMI properties. The table below shows this information for the properties that received an OMI Notice in the last six months of the current reporting period. Attachment 3 shows the Council District for all properties subject to OMI notices during the current reporting period.

Date Filed	Street	Council District
2/12/2025	2729 Stuart St.	8
2/12/2025	1310 Berkeley Way #1	1
2/12/2025	1310 Berkeley Way #4	1
4/7/2025	1817 Rose St.	5



## **CONCLUSION**

During this reporting period (July 1, 2022 - June 30, 2025), the Board received a total of eight OMI eviction notices. During the initial three-year monitoring period (December 2000 – December 2003), the Board received 110 eviction notices. Historically, after the passage of Measure Y, the number of evictions reported for each three-year period was significantly less than the initial period. This trend can be seen in Attachment 3, which shows, in six-month increments, the number of OMI eviction notices the Board has received since September 2000. The first reporting period in the table reflects only four months (September-December 2000), but during this time, 47 of the 56 evictions occurred during the three months prior to the adoption of Measure Y. While the Board did not track the number of OMI notices received prior to September 2000, it has been reported that the number of notices issued during the period from December 1997 to December 2000 was similar to or greater than the four-month period from September to December 2000, before Measure Y became law.

Although the implementation of Measure Y reduced the displacement of long-term tenants and required some relocation assistance for the most vulnerable displaced tenants, as housing prices and rents increased dramatically, so did the number of OMI evictions. The number of OMI evictions started to pick up in early-2014 (e.g., there were 19 OMI notices filed from January – June 2014). Between 2014 and 2016, there were 78 notices filed.

In November 2016, Berkeley voters passed Measure AA, which requires a standard relocation payment to all households and an additional payment if a member of the evicted household is elderly, disabled, a long-term tenant, low income, or if there is a minor child in the household.

The City's COVID-19 Emergency Response Ordinance, passed in March 2020, placed a moratorium on evictions, including OMI evictions. Two notices were filed in 2021 despite the moratorium and were subsequently rescinded. From May 1, 2023 through August 31, 2023, the moratorium was amended to allow the owner of a single rental property in Berkeley to perform an owner move-in eviction, but no notices were filed during that period. Since the expiration of the moratorium on August 31, 2023, eight notices have been filed. Four of those notices were filed in the last six months of the current reporting period.

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**Attachment 1:** Table reflecting geographic location and market area of properties subject to OMI notices for the period of July 2022 – June 2025.

**Attachment 2:** Table reflecting council district of properties subject to OMI notices for the period of July 2022 – June 2025.

**Attachment 3:** Table of OMI notices filed with the Rent Board for the period of September 2000 through June 2025.

## **ATTACHMENT 1**

### **Geographic Location and Market Area of Properties Subject to OMI Notices Included in the Current Reporting Period**

<b>Date filed</b>	<b>Street</b>	<b>Market Area</b>
12/13/2023	1929 Hopkins St.	North Berkeley (Area 1)
12/21/2023	1725 10 <sup>th</sup> St.	West Berkeley (Area 4)
9/30/2024	1898 Harmon St., #A	South Berkeley (Area 5)
12/26/2024	2416 Fulton St., #1	University Area (Area 3)
2/12/2025	2729 Stuart St.	University Area (Area 3)
2/12/2025	1310 Berkeley Way #1	Central Berkeley (Area 2)
2/12/2025	1310 Berkeley Way #4	Central Berkeley (Area 2)
4/7/2025	1817 Rose St.	North Berkeley (Area 1)

**ATTACHMENT 2**

**Council Districts of Properties Subject to OMI Notices Included in the Current Reporting Period**

<b>Date Filed</b>	<b>Street</b>	<b>Council District</b>
12/13/2023	1929 Hopkins St.	5
12/21/2023	1725 10 <sup>th</sup> St.	1
9/30/2024	1898 Harmon St. # A	3
12/26/2024	2416 Fulton St., #1	4
2/12/2025	2729 Stuart St.	8
2/12/2025	1310 Berkeley Way #1	1
2/12/2025	1310 Berkeley Way #4	1
4/7/2025	1817 Rose St.	5

**ATTACHMENT 3**

**OMI Eviction Notices Filed with the Berkeley Rent Board**

<b>Date of Eviction Notice</b>	<b>Number of Notices Received</b>
September – December 2000 *(only four months)	56
January – June 2001	32
July – December 2001	21
January – June 2002	17
July – December 2002	9
January – June 2003	13
July – December 2003	10
January – June 2004	14
July – December 2004	5
January – June 2005	16
July – December 2005	6
January – June 2006	10
July – December 2006	1
January – June 2007	7
July – December 2007	2
January – June 2008	1
July – December 2008	7
January – June 2009	7
July – December 2009	7
January – June 2010	6
July – December 2010	3
January – June 2011	6
July – December 2011	2
January – June 2012	5
July – December 2012	5
January – June 2013	10
July – December 2013	3
January-June 2014	19
July – December 2014	8

<b>Date of Eviction Notice</b>	<b>Number of Notices Received</b>
January – June 2015	16
July – December 2015	10
January- June 2016	17
July-December 2016	8
January-June 2017	15
July-December 2017	4
January – June 2018	6
July-December 2018	3
January-June 2019	12
July – December 2019	2
January – June 2020*	0
July – December 2020*	0
January – June 2021*	0
July – December 2021**	2
January – June 2022*	0
July – December 2022*	0
January-June 2023***	0
July – December 2023****	2
January – June 2024	0
July – December 2024	2
January – June 2025	4
<b>Total Notices Filed</b>	<b>411</b>

\* Due to the COVID-19 pandemic, on March 17, 2020, the City of Berkeley passed an Urgency Ordinance placing a moratorium on evictions in most cases, including OMI evictions.

\*\*Two notices were served on the same property during this period despite the eviction moratorium. They were rescinded.

\*\*\* From May 1, 2023 through August 31, 2023, the eviction moratorium was amended to allow the owner of a single rental property in Berkeley to perform an owner move-in eviction.

\*\*\*\*Berkeley’s eviction moratorium expired on August 31, 2023.