



Rent Stabilization Board
Legal Department

January 18, 2024

TO: INTERESTED PROPERTY OWNERS

SUBJECT: **INFORMATION PACKET AND FORMS FOR COMPLYING WITH THE ELLIS IMPLEMENTATION ORDINANCE REQUIREMENTS**

This packet provides information and forms needed to comply with the requirements of the Ellis Act (Government Code §7060 *et seq.*) and the City of Berkeley's Ellis Implementation Ordinance (Berkeley Municipal Code (BMC) Chapter 13.77).

The packet contains:

- Informational letter and a table for how and when to use the forms in this packet.
- The forms to be used to comply with the City of Berkeley's Ellis Implementation Ordinance.
- A copy of the Ellis Implementation Ordinance (BMC Chapter 13.77).

The Ellis Implementation Ordinance establishes the process for withdrawing residential rental property from the rental housing market. To comply with the Ordinance, you must meet the following conditions and obligations:

- You must withdraw **all accommodations** on your property from the rental market. Accommodations are defined as “the residential rental units in any detached physical structure containing four or more residential rental units” or “[w]ith respect to a detached physical structure containing three or fewer residential rental units, the residential rental units in that structure and in any other structure located on the same parcel of land...” (See Govt Code §§ 7060 and 7060.7 and BMC § 13.77.050.A.1.)
- You must pay a fee of \$250 for each unit to be withdrawn from the market to cover the costs of administering the Ellis Implementation Ordinance. These fees must be paid before the Notice of Intent to Withdraw Accommodations is given to the tenants, otherwise the Notice is invalid. (BMC § 13.77.070.)
- You must give your tenants at least 120 days’ notice of your intent to withdraw your units from the rental market. The notice period is one year for senior and/or disabled tenants who have lived in a unit for one year or more. (See BMC § 13.77.050.A.8.)

- You must deposit with the Rent Board an initial relocation assistance payment of \$18,533 for the household of each accommodation that is withdrawn from the market. You may be required to deposit an additional \$6,177 to tenant households that qualify as low-income or include disabled or elderly tenants, minor children or a household with a tenancy which began prior to January 1, 1999. (BMC § 13.77.055.)
- You must offer to those tenants who expressed an interest, the opportunity to re-establish their tenancy in your property if you elect to re-rent the property within ten years of the date you withdrew the units from the rental housing market. (BMC § 13.77.040.)
- You must notify the City of Berkeley of your intent to re-rent your property.
- Going out of the rental housing business does not confer a right to change the use of your property. (BMC § 13.77.020.B.)

NO VACANCY INCREASE FOR FIVE YEARS

Once a Notice of Intent to Withdraw Accommodations has been filed with the Rent Board, no vacancy rent increase may be taken on the affected rent-controlled units during the five-year period following the date the notice is filed or the actual date of withdrawal, whichever is later. This prohibition applies even if the Notice of Intent is subsequently rescinded or the withdrawal of the units from the market is never completed. Thus, once a Notice of Intent to Withdraw is filed, the rent on the units covered by the notice may be increased only as authorized by the Rent Board, regardless of how many vacancies occur during the next five years. (BMC §13.77.040.A.)

RELOCATION ASSISTANCE

All households receiving a Notice of Intent to Withdraw Accommodations from Rent or Lease are entitled to a minimum of \$18,533 in relocation assistance. An additional \$6,177 in relocation assistance is available to households that qualify as low-income or include disabled or elderly tenants, minor children or a household with a tenancy which began prior to January 1, 1999. The relocation assistance must be deposited with the Rent Board (checks should be made payable to “City of Berkeley”) when the Notice of Intent to Withdraw Accommodations is filed with the Board, and the money will be held in trust for each household until requested by the to-be-displaced tenants. (BMC § 13.77.055.B.)

Households that qualify for the additional \$6,177 in relocation assistance must submit a written claim of entitlement to the owner and the Rent Board no more than 30 days from the date the Notice of Intent to Withdraw Accommodations is personally delivered or mailed. (BMC §13.77.055.D)

Section 13.77.050.A.1 of the Ordinance requires that the Notice of Intent to Withdraw Accommodations be accompanied by two stamped addressed postcards that the tenant household can complete and return and thereby claim entitlement to additional relocation assistance. Suggested language for the postcard:

Copy, clip, and affix to the postcard, if desired.

| |
|--|
| Date: _____ |
| To Whom It Concerns: |
| My household is entitled to \$6,177 in additional relocation assistance because: |
| ____ My household's annual income does not exceed the qualifying limits; or |
| ____ I am over the age of 60. |
| ____ I am disabled. |
| ____ I am the parent of a minor child who lives with me in the unit. |
| ____ My tenancy began prior to January 1, 1999. |
| Signed: _____ |
| Print Name: _____ Address: _____ |

One of the postcards should be addressed to yourself; the other should be addressed to:

Legal Department
City of Berkeley Rent Stabilization Board
2125 Milvia Street
Berkeley, CA 94704

Upon receipt of a claim for additional relocation assistance, you must, ***within 10 days of the date the claim is mailed***, deposit \$6,177 with the Rent Board to be held in trust for the household claiming entitlement to the relocation assistance. (BMC § 13.77.055.D.) If you wish to challenge the household's eligibility for the relocation assistance, you must file a written challenge of the household's eligibility ***within 10 days of the date the claim is mailed***. (BMC § 13.77.055.D.1) (**Note: Filing a challenge does not stay or excuse the obligation to deposit money into escrow.**) If the claim of eligibility is challenged, the deposited money will be held by the Board until the Board receives an agreement of the parties or a court order stating how the money is to be distributed. (BMC § 13.77.055.D.2) A dispute regarding the eligibility for the additional \$6,177 in relocation assistance may also be resolved by an order of a City of Berkeley Rent Board hearing examiner issued pursuant to a petition process conducted in accordance with applicable Rent Board regulation. If no challenge is filed, the money will be distributed upon receipt of a request from the tenants.

DATE PROPERTY IS WITHDRAWN FROM THE RENTAL MARKET

Generally, a property is legally withdrawn from the rental housing market:

- 120 days after the Notice of Intent to Withdraw Accommodations is filed with or mailed to the Rent Board; **AND**

- A Certificate and a Memorandum summarizing the Notice to the City of Berkeley of Intent to Withdraw Accommodations are recorded with the Alameda County Recorder’s Office. (BMC § 13.77.050.A.4.)

CONDOMINIUM CONVERSIONS AND THE ELLIS ORDINANCE

Berkeley Municipal Code section 21.28.050.A specifically prohibits the conversion to condominium of dwelling units for the 10-year period immediately following the date of filing of a notice of intent to withdraw accommodations from the rental housing business under the Ellis Act. (Note: There is also a 10-year prohibition on condominium conversion from the date of an owner or relative move-in eviction. (BMC § 21.28.060.C.1; B.M.C. 21.28.090 B.1.(a).)

TABLE FOR COMPLIANCE

The attached table may assist you in determining the order in which you should proceed in notifying your tenants and the Rent Board of your intent to withdraw your property from the rental housing market. Generally, there are five steps:

1. Pay the administrative fee of \$250 for each unit;
2. Serve the tenants with the Notice of Intent to Withdraw Accommodations, Notice of Termination of Tenancy, and the postcards and forms for asserting entitlement to additional relocation assistance, an extended notice period, or an interest in reoccupying unit;
3. Serve Rent Board with Notice to City of Intent to Withdraw Accommodations;
4. Deposit relocation assistance with Rent Board as needed; and
5. Record Certificate and Memorandum with the County Recorder.

If you have questions concerning these procedures, please contact the Legal Department of the Rent Stabilization Board at 510-981-4930.

Sincerely,



DéSeana Williams, Executive Director
Berkeley Rent Stabilization Board

NOTICE OF TENANT RIGHTS

1. \$18,533 IN RELOCATION ASSISTANCE FOR EACH HOUSEHOLD/ADDITIONAL RELOCATION ASSISTANCE FOR QUALIFYING HOUSEHOLD

The tenants of residential rental units who are required to move as a result of the owner's withdrawal of the accommodations from the rental market are entitled to a relocation payment from the owner in the following amounts:

** \$18,533 for each unit.

The owner must deposit the appropriate relocation assistance payment with the Rent Board. This money is to assist tenants in their relocation and will be released upon receipt of a written request from all members of a household.

2. \$6,177 IN ADDITIONAL RELOCATION ASSISTANCE FOR CERTAIN HOUSEHOLDS

The following households that are displaced as a result of this property being withdrawn from the rental housing market are entitled to \$6,177 in additional relocation assistance:

- Households with a resident child who is younger than 18 years.
- Households with a tenant who is 60 years of age or older or disabled.
- Tenants whose tenancies began prior to January 1, 1999.
- Households with annual income less than 80% of the median income for Alameda County. The income limits for qualifying for additional relocation assistance are:

| Household Income Limits 2023 | | | | | | | | |
|------------------------------|----------|----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Persons per household: | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Income no greater than: | \$78,550 | \$89,750 | \$100,950 | \$112,150 | \$121,150 | \$130,100 | \$139,100 | \$148,050 |

Note: The two postcards served with this notice for declaring entitlement to additional relocation assistance must be completed and mailed within 30 days in order to receive the assistance.

3. EXTENSION OF TIME FOR ELDERLY AND/OR DISABLED TENANTS

Tenants who are disabled or 62 years of age or older and who resided at the unit for at least one year are entitled to one year's notice of the intent to withdraw units from the rental market rather than 120 day's notice.

Note: To be eligible for this extended notice, a **Notice of Assertion of Age and/or Disability** must be completed and returned to the owner and the Rent Board within 60 days.

4. RIGHT TO REGAIN POSSESSION

All displaced tenants, who have advised the owner in writing, have a right to regain possession of their rental unit if the unit is offered for rent within ten (10) years of the date that it was withdrawn from the rental market. If the unit is offered for rent within five (5) years from the date of withdrawal, the rent for that tenancy shall be the lawful rent at the time of withdrawal adjusted upward by any general rent adjustments subsequently granted by the Rent Board. If the unit is offered for rent after five (5) years from the date of withdrawal, the initial rent for that tenancy may be set by the owner at market rent should the owner choose to adjust it.

Note: To retain a right to regain possession of a rental unit, a **Notice of Interest in Accommodation** must be completed and returned to the owner and the Rent Board within 30 days of vacating the unit.

5. RENT RESTRICTIONS IF RENTED WITHIN FIVE YEARS

The residential rent for a withdrawn unit when it is re-rented within five years is restricted to the rent ceiling in effect at the time of withdrawal adjusted upward by annual general adjustments subsequently granted by the Rent Board.

6. RIGHT TO DAMAGES

If a property is rented for residential purposes within two years of the date it was withdrawn from the rental housing market, displaced tenants may have a right to recover actual as well as punitive damages from the owner. This right exists even if the property is sold to a new owner.

| FORMS AND SEQUENCE FOR COMPLYING WITH THE CITY OF BERKELEY'S ELLIS IMPLEMENTATION ORDINANCE | | | | |
|---|---|----------|--|---|
| NOTICE FORMS | REQUIRED BY BMC SECTION: | PROVIDED | | IN ORDER TO: |
| | | BY | TO | |
| Personal Check | 13.77.070 | Owner | Rent Board | \$250 fee for each unit must be paid before the Notice of Intent is served. |
| Notice of Intent to Withdraw Accommodations and Notice of Tenants' Rights | 13.77.050.A.1 13.77.050.A.5 13.77.050.A.8 | Owner | Tenants | Provide tenants with at least 120 days (one year for seniors and disabled tenants) notice of owner's intent to withdraw the property from the rental housing market and notify tenants of their rights and options under the Ellis Implementation Ordinance. |
| Notice of Termination of Tenancy | 13.77.050.A.1 13.77.050.A.8 | Owner | Tenants | Provide tenants with at least 120 days (one year for seniors and disabled tenants) notice of termination of their tenancy in their units. |
| Deposit Relocation Payment of \$18,533 for each occupied unit | 13.77.055.A | Owner | Rent Board | Provide all households with assistance in relocation. Certain qualifying households may be entitled to receive an additional \$6,177. |
| Two Blank Notices of Assertion of Age and/or Disability and Length of Tenancy | 13.77.050.A.6 13.77.050.A.7 | Owner | Tenants | Provide tenants the opportunity to declare that they are either a senior or disabled, or both, as defined in California state law, and have lived in their unit at least one year prior to receiving the notice of intent to withdraw accommodations from the rental market. |
| Two Stamped and Addressed Postcards | 13.77.050.A.1 | Owner | Tenants | Allow tenant households that are eligible to receive additional \$6,177 in relocation assistance to assert such claim. |
| Blank Notice of Interest to Renew Accommodations | 13.77.040.C | Owner | Tenants | Provide tenants the option of re-renting a unit on the property should the owner decide to rent the units within ten years of the date the units were withdrawn from the rental market. This form should be served with the Notice of Intent to Withdraw Accommodations and Notice of Termination of Tenancy. |
| Notice to City of Berkeley of Intent to Withdraw Accommodations from Rent | 13.77.050.A.3 | Owner | Rent Board | Notify the City of owner's intent to withdraw subject property from the rental housing market; provide the Board with a list of all tenants affected by the withdrawal of rental units and the rents of the units as of the noticed date of withdrawal. |
| Recordation of Certificate and Memorandum | 13.77.050.A.4 | Owner | Alameda County Recorder and Rent Board | Provide public notice that the property has been withdrawn from the rental housing market. Certificate and Memorandum are to be recorded at the time the Notice of Intent to Withdraw Accommodations is served on Rent Board. |
| Postcard claiming entitlement to Additional | 13.77.055.D | Tenants | Owner and Rent Board | Low-income, elderly or disabled tenants, tenants with minor children or tenants whose tenancy began prior to January 1, 1999 must return postcard within 30 days of |

| | | | | |
|--|--------------------------------|------------|-------------------------|--|
| Relocation Assistance | | | | the date of service on the tenant of the Notice of Intent to Withdraw Accommodation in order to receive additional relocation assistance. |
| \$6,177 in Additional Relocation Assistance and Challenge of Eligibility | 13.77.055.D | Owner | Rent Board | Owner must deposit \$6,177 in relocation assistance with Board within 10 days of date a postcard claiming eligibility for additional relocation assistance was mailed. An owner who elects to challenge tenant's eligibility for the additional assistance, must file a challenge within 10 days of date postcard was mailed. |
| Assertion of Age or Disability | 13.77.050.A.6 13.77.050.A.7 | Tenant | Rent Board and Owner | Notify City and owner of tenant's eligibility for 1-year notice of intent to withdraw units from market. Assertion must be made within 60 days of date City is notified of intent to withdraw units from market. |
| Notice of Extension of Date of Termination | 13.77.050.A.8 | Owner | Tenant and Rent Board | Notify City and tenant that the date accommodations are to be withdrawn from market is extended because the tenant is at least 62 years old or disabled. |
| Notice of Extension of Date of Termination | 13.77.050.A.9 | Owner | Tenants and Rent Board | Notify City and non-disabled and non-elderly tenants that the date accommodations are to be withdrawn is being extended because another tenant on property is at least 62 years old or disabled. |
| Notice of Interest in Renewing Tenancy | 13.77.040.B.3 | Tenant | Owner and Rent Board | Notify the owner of the tenant's interest in receiving an offer to renew their tenancy on the property if it is again rented. This notice must be given to the owner no later than 30 days after the date the tenant vacates the withdrawn property. Tenants wishing to be notified must also provide a copy of this notice to the Rent Board. |
| Recordation of Constraints on Property | 13.77.060 | Rent Board | Alameda County Recorder | Provide public notice that there are constraints on re-renting the property. Recordation of this document is at the City's option. |
| Notice of Intent to Offer Accommodations for Rent or Lease. | 13.77.040.B.4 | Owner | Rent Board | Legally resume offering withdrawn accommodations for rent or lease. Displaced tenants must be offered the opportunity to reoccupy withdrawn rental units. |

**NOTICE OF INTENT TO WITHDRAW ACCOMMODATIONS
FROM RENT OR LEASE**

(BMC section 13.77.050.A.1)

To: _____

Property Address: _____
Berkeley, California

The undersigned declare as follows:

1. I am the holder of record title having the entire legal and equitable title to the property commonly known as: _____.
2. I intend to withdraw your rental unit and all other required accommodations on this property, as defined in Government Code section 7060(b), from the rental market in approximately 120 days on _____.
3. The date of withdrawal will be increased from 120 days to 1 year from the date of delivery of this notice for tenants who are disabled or 62 years of age or older and who inform me of this status within 60 days of service of this notice.
4. I will deposit with the Rent Board \$18,533 in relocation assistance for each occupied unit on the property that is to be withdrawn from the rental market.
5. I will deposit \$6,177 in additional relocation assistance for each tenant household that completes and mails the two postcards delivered with this notice within 30 days and qualifies as a low-income household or household with a child younger than 18 years or a household with an elderly or disabled tenant, or a household with a tenant whose tenancy began prior to January 1, 1999.
6. I have fully paid all fees due the City of Berkeley as required by Berkeley Municipal Code section 13.77.070.
7. I have determined that at least one member of your household is sufficiently fluent in English to understand the importance of the contents of this notice.

I certify under penalty of perjury that the foregoing is true and correct.

_____ Date: _____

**A COPY OF THIS NOTICE, WITH A PROOF OF SERVICE ON THE TENANT,
MUST BE FILED WITH THE RENT BOARD**

NOTICE OF INTEREST IN RENEWING TENANCY
(BMC section 13.77.040.B.3.)

To: _____
(Owner)

From: _____
(Tenant)

Tenant Name: _____

Property Address: _____ Unit No. _____

I wish to be contacted should the rental units at the above address be offered for rent for residential purposes within 10 years of the date these units were withdrawn from the rental housing market. An offer to renew my tenancy should be sent to me at the following address:

| First Address | Second Address |
|---------------|----------------|
| | |

Signature

Date

Note: This notice must be completed and returned to the owner within 30 days of vacating the rental unit.

Note: The owner should be notified of any subsequent changes of address. You may also inform the Rent Board of your address and the Board will notify you if the property is again offered for rent.

NOTICE OF TERMINATION OF TENANCY

(BMC section 13.77.050.A.1)

To: _____

Tenants in possession of the premises at: _____
Berkeley, California

YOU ARE HEREBY NOTIFIED that, effective _____
(this date must be at least 120 days from the date this notice is served), the
tenancy by which you hold possession of the premises will be terminated.
At that time, you will be required to vacate and surrender possession of the
premises. This notice is being given pursuant to Berkeley Municipal Code
Chapter 13.77 in order to withdraw your unit and all other residential rental
units on the property from the rental housing market.

If you are disabled or 62 years of age or older, the date of termination of
your tenancy will be extended to one year from the date this notice is served,
provided you notify the Rent Board and the owner of this status within 60
days of being served this notice.

*State law permits former tenants to reclaim abandoned personal property left at the
former address of the tenant, subject to certain conditions. You may or may not be able to
reclaim property without incurring additional costs, depending on the cost of storing the
property and the length of time before it is reclaimed. In general, these costs will be
lower the sooner you contact your former landlord after being notified that property
belonging to you was left behind after you moved out.*

Signature

Date

**Note: This notice must be served personally or by certified mail, return
receipt requested, and a copy filed with the Rent Board.**

NOTICE OF ASSERTION OF AGE AND/OR DISABILITY

(BMC Sections 13.77.050.A.6 and A.7.)

I, _____, the tenant at
(Name)
_____ assert the following:
(Address)

_____ I have lived in this unit at least one year prior to having been notified that I am to be evicted from this unit under the City of Berkeley's Ellis Ordinance (BMC Chapter 13.77 *et seq.*)

AND

(Check as many as apply.)

_____ I am a disabled person under the meaning of California Government Code Section 12955.3. It is my understanding that I am entitled to one year's notice prior to surrendering this unit to its owner. (BMC section 13.77.050A.6.) **AND/OR**

_____ I am 62 years of age or older. It is my understanding that I am entitled to one year's notice prior to surrendering this unit to its owner. (BMC section 13.77.050A.7.)

Date

Signature

NOTE: You have 60 days from the date the Notice of Intent to Withdraw Accommodations was mailed to you or personally served on you to return a completed copy of this Notice to the property owner and to file a copy with the Legal Department of the City of Berkeley Rent Stabilization Board, 2125 Milvia Street, Berkeley, CA 94704.

If you fail to return and file the Notice within 60 days, you will lose your entitlement to one year's notice prior to surrendering your unit and will be entitled to only 120 days notice.

**NOTICE TO CITY OF BERKELEY OF INTENT TO
WITHDRAW ACCOMMODATIONS FROM RENT OR LEASE
(BMC section 13.77.050.A.3)**

NOTICE IS HEREBY GIVEN to the City of Berkeley that the accommodations on the following property are to be withdrawn from the rental housing market:

Owner: _____

Parcel No.: _____

Street Address: _____

The number of accommodations on the property is: _____

The accommodations are being withdrawn from the rental housing market on _____.

The following is a list of names of the tenants in each unit and the rent being paid for the unit:

| Unit Address | Names of Tenants in Unit on Filing Date | Rent |
|--------------|---|------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

If necessary, use additional pages to provide complete tenant information

I certify under penalty of perjury that the foregoing, and any attachments, is true and correct.

Signature

Date

Recordation requested by:

When recorded mail to:

City of Berkeley Rent Stabilization Board
2125 Milvia Street
Berkeley, California 94704

CERTIFICATE AND MEMORANDUM

(Gov't. Code §7060.4(b); B.M.C. §13.77.050.A.4)

Assessor's Parcel #:

Property Address:

Property Owner:

CERTIFICATION OF INITIATION OF ACTION TO TERMINATE EXISTING TENANCIES

On _____, action was initiated, pursuant to Berkeley Municipal Code Chapter 13.77 and applicable state law, to terminate the existing tenancies in the residential accommodations on the above property by serving all tenants in the accommodations with a notice of termination of tenancy.

MEMORANDUM SUMMARIZING NOTICE OF INTENT TO WITHDRAW ACCOMMODATIONS FROM RENT

On _____, notice was given to the City of Berkeley of the intent to withdraw the residential rental accommodations on the above property from the residential rental housing market.

The notice lists the name of each tenant occupying a rental unit on the property and the current rent being collected for the use and occupancy of the unit.

I certify under penalty of perjury that the foregoing is true and correct.

Signature of Owner

Date

Print Name of Owner

Note: The signature must be notarized in order for the document to be recorded.

**NOTICE OF INTENT TO OFFER ACCOMMODATIONS
FOR RENT**

(BMC section 13.77.040.C)

I, _____, declare as follows:

1. I am the owner of the accommodations commonly known as:
_____.
2. These accommodations were withdrawn from the rental housing market on
_____.
3. I intend to again offer these accommodations for rent for residential purposes.
4. A copy of this notice has been mailed to the last known address of each displaced tenant who expressed an interest in renewing their tenancy if the withdrawn accommodations were subsequently re-rented. (See attached Proof of Service for list of notified former tenants.)
5. **All displaced tenants who respond within 30 days** of the date this notice is filed with the Rent Board will be offered the opportunity to re-rent their former rental unit. Tenants who re-rent their unit within five (5) years from the date of withdrawal shall be entitled to re-rent their unit on terms substantially equivalent to those of their prior tenancy and at the prior rental rate, adjusted by the general rent adjustments subsequently granted by the Rent Board. Tenants who re-rent their unit after five (5) years from the date of withdrawal may re-rent their unit at a market rent should the owner choose to adjust it.

Signature

Date

Note: The failure to notify the Rent Board and the displaced tenants that withdrawn rental units are again to be offered for rent shall make the owner liable for general and punitive damages.

**INITIAL DEPOSIT OF ELLIS ACT
RELOCATION BENEFITS
(RENT BOARD ACCT. #440-0000-227-2701)**

Property address: _____

Attached is a check in the amount of \$ _____.
[\$18,533 FOR EACH OCCUPIED UNIT.]

Please hold these monies in escrow as relocation benefits for the tenants
in units:

- 1.
- 2.
- 3.
- 4.
- 5.

Date:

Owner

DISABILITY DEFINED UNDER ELLIS ACT

Civil Code § 7060. (b) For the purposes of this chapter, the following definitions apply:

(2) "Disabled" means a person with a disability, as defined in Section 12955.3 of the Government Code.

Gov't Code § 12955.3. For purposes of this part, "disability" includes, but is not limited to, any physical or mental disability as defined in Section 12926.

Gov't Code § 12926.

i) "Medical condition" means either of the following:

(1) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.

(2) Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:

(A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

(B) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

(j) "Mental disability" includes, but is not limited to, all of the following:

(1) Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

(A) "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.

(C) "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.

(2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a mental or psychological

disorder or condition described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(k) "On the bases enumerated in this part" means or refers to discrimination on the basis of one or more of the following: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, or sexual orientation.

(1) "Physical disability" includes, but is not limited to, all of the following:

(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

(A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

(B) Limits a major life activity. For purposes of this section:

(i) "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

(iii) "Major life activities" shall be broadly construed and includes physical, mental, and social activities and working.

(2) Any other health impairment not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

(6) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(m) Notwithstanding subdivisions (j) and (1), if the definition of

"disability" used in the federal Americans with Disabilities Act of 1990 (P.L. 101-336) would result in broader protection of the civil rights of individuals with a mental disability or physical disability, as defined in subdivision (j) or (l), or would include any medical condition not included within those definitions, then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of, the definitions in subdivisions (j) and (l).

**DEPOSIT OF ADDITIONAL ELLIS ACT
RELOCATION BENEFITS
(RENT BOARD ACCT. #440-0000-227-2701)**

Property address: _____

Attached is a check in the amount of \$ _____ (\$6,177 per unit)

Please hold these monies in escrow as relocation benefits for the lower-income, elderly or disabled tenants or households with minor children, or tenants whose tenancy began before January 1, 1999 in units:

1. _____
2. _____
3. _____
4. _____

OPTIONAL:

**CHALLENGE OF ELIGIBILITY TO RECEIVE
ADDITIONAL BENEFITS**

___ I challenge the eligibility of the tenants in the following units to receive these benefits, based on the following grounds:

| Unit Number | Grounds (Please check all that apply) | | | |
|-------------|--|----------------------------------|-----------------------------------|---|
| | <input type="checkbox"/> Low Income | <input type="checkbox"/> Elderly | <input type="checkbox"/> Disabled | <input type="checkbox"/> Minor Children |
| | <input type="checkbox"/> Low Income | <input type="checkbox"/> Elderly | <input type="checkbox"/> Disabled | <input type="checkbox"/> Minor Children |
| | <input type="checkbox"/> Low Income | <input type="checkbox"/> Elderly | <input type="checkbox"/> Disabled | <input type="checkbox"/> Minor Children |
| | <input type="checkbox"/> Low Income | <input type="checkbox"/> Elderly | <input type="checkbox"/> Disabled | <input type="checkbox"/> Minor Children |

If eligibility is challenged, the deposit will be held in escrow until the Rent Board receives an agreement of the parties or a court order directing how the relocation benefits are to be distributed.

Date:

Owner

PROOF OF SERVICE

PROPERTY ADDRESS: _____

I am a resident of _____ County. I am and was at the time of the service hereinafter mentioned over the age of eighteen years and not a party in the below entitled action.

My residence or business address is _____.

On the date entered below, I served one copy of the attached _____

(identify documents being served)

by delivering in person to the **below named individual(s)**:

by certified mail, return receipt requested, by placing a true copy of the documents in a sealed envelope and then placing the envelope with postage fully prepaid in a United States Post Office mailbox **addressed as follows:**

by regular mail by placing a true copy of the documents in a sealed envelope and then placing the envelope with postage fully prepaid in a United States Post Office mailbox **addressed as follows:**

***** LIST NAMES and ADDRESSES OF PARTIES SERVED*****

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE

DATE

PRINTED NAME