Rent Stabilization Board

RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING

Wednesday, April 21, 2021

5:30 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE.
Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the Rent Stabilization Board's **Outreach Committee** (Committee) will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, **there will not be a physical meeting location available.**

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: https://zoom.us/j/97533782971?pwd=cDcwbi90eVJLNGZ0WGJocFNHT0lmUT09. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "Raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833, enter Webinar ID: 975 3378 2971 and Passcode: 078297. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an e-mail comment to be read aloud during public comment, email mlaw@cityofberkeley.info with the Subject line in this format: "PUBLIC COMMENT ITEM FOR OUTREACH COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. Email comments must be submitted to the email address above **by 3:30 p.m.** on the day of the Committee meeting in order to be included.

Please be mindful that this will be a public meeting and all other rules of procedure and decorum will apply for meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Matt Brown, Acting Executive Director, at (510) 981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.

Rent Stabilization Board

RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING

Wednesday, April 21, 2021 – 5:30 p.m.

AGENDA

1. Roll call
2. Approval of the Agenda
3. Approval of the Minutes of the March 24, 2021 Meeting
4. Public Comment
5. Survey 2021 – Discussion of Tenant Survey with Dr. Stephen Barton (45 minutes)

   2009 Tenant Survey, Dr. Stephen Barton
   https://www.cityofberkeley.info/uploadedFiles/Rent_Stabilization_Board/Level_3_-_General/Final%20Report%202009%20Tenant%20Survey.pdf

6. Social Media Update: RSB Policy (attached). Discussion (15 minutes)
7. Staff Report: Recent and Upcoming Webinars, Workshops (10 minutes)
8. Schedule Next Meeting Date
9. Future Agenda Items
10. Adjournment

STAFF CONTACT: Moni T. Law, Housing Counselor (510) 981-4906, Ext. 704

COMMITTEE: James Chang, Andy Kelley, Paola Laverde (Chair), Mari Mendonca

Rent Stabilization Board

RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING
Wednesday, March 24, 2021 – 5:30 p.m.
MINUTES (Unapproved)

1. **Roll Call** – Committee Chair Laverde called the meeting to order.
   Moni Law called the roll at 5:36 p.m.
   Members present: Chang, Kelley, Laverde and Mendonca.
   Staff present: Matt Brown, Moni Law, Aimee Mueller and Lynn Wu.

2. **Approval of Agenda** – M/S/C (Mendonca/Chang) Motion to approve the agenda. Roll call vote. YES: Chang, Kelley, Laverde and Mendonca; NO: None; ABSTAIN: None; ABSENT: None. Carried: 4-0-0-0.

3. **Approval of the Minutes of the February 10, 2021 Meeting** – M/S/C (Kelley/Laverde) Motion to approve the Minutes of the February 10, 2021 meeting. Roll call vote. YES: Chang, Kelly, Laverde and Mendonca; NO: None; ABSTAIN: None; ABSENT: None. Carried: 4-0-0-0.

4. **Public Comment** – None.

5. **Survey 2021 -- Report from Acting Executive Director:**
   a) History of Surveys
      (1) 1984 Landlord/Tenant Survey, Kenneth Barr
      (2) 1998 Tenant Survey, Bay Area Economics;
      (3) 2009 Tenant Survey, Dr. Stephen Barton

   b) Next Steps for New Survey: Is it possible? Hire an outside firm to conduct the survey? Is a survey in the budget? How long would an RFP take? Does the city already contract with a firm it can recommend?

   The Committee discussed the previous Rent Board surveys and agreed to invite Dr. Stephen Barton former Berkeley Rent Board Deputy Director to a special meeting, to provide guidance on the process of conducting a survey during the on-going Covid-19 pandemic, types of questions, the costs and a possible workplan and practical timeline for completion of the survey. The Committee also agreed to meet following its consultation with Dr. Barton to discuss collaborating with other City of Berkeley Departments such as the Fire Department, on questions for the survey that might be relevant to the departments. And to also explore the option of having local businesses sponsor and provide some gift incentive such as gift cards to those households who complete the survey in a timely manner. Following the meetings the Committee would present its findings to the full Board for review and discussion and also to set the budget for the survey.

6. **Suggested survey questions - Discussion by Committee:**
   Supplemental Materials attached: Compiling questions past committee members suggested in multiple meetings in May and September, 2019.
   The Committee agreed to discuss this at the next meeting.

7. **Update on Measure MM Materials:**
   The Committee agreed to discuss this at the next meeting.

8. **Outreach Committee 2021 Work Plan:**
   The Committee agreed to discuss this at the next meeting.

9. **Social Media and Website Outreach Update:**
   The Committee agreed to discuss this at the next meeting

10. **Staff Report: Recent and Upcoming Webinars and Workshops:**
    The Committee agreed to discuss this at the next meeting

11. **Staff Report: Recent and Upcoming Webinars and Workshops:**
    The Committee agreed to discuss this at the next meeting.

12. **Schedule next meeting date:** Next meeting: Wednesday, April 21st at 5:30 p.m.

13. **Future agenda items:**
    (a) The agenda items not discussed at the meeting (Item 6 – Item 11)
    (b) The Tenant Survey
    (c) Improvements to the Rent Boards Social Media

14. **Adjournment:** – M/S/C (Kelly/Mendonca) Motion to adjourn the meeting. Roll call vote: YES: Chang, Kelley, Laverde and Mendonca; NO: None; ABSTAIN: None; ABSENT: None; Carried:4-0-0-0

15. **Meeting adjourned:** 7:22 p.m.

STAFF CONTACT: Moni Law, Community Services Specialist II, (510) 981-4906, Ext. 704

COMMITTEE: James Chang, Andy Kelley, Paola Laverde (Chair) and Mari Mendonca

Subject: Use of Online Social Media

I. Purpose

The purpose of this social media policy is to fulfill the mission of the Rent Stabilization Board as articulated in section 13.76.030 of the B.M.C., which states "The purposes of this chapter are to regulate residential rent increases in the city of Berkeley and to protect tenants from unwarranted rent increases and arbitrary, discriminatory, or retaliatory evictions, in order to help maintain the diversity of the Berkeley community and to ensure compliance with legal obligations relating to the rental of housing. This legislation is designed to address the City of Berkeley's housing crisis, preserve the public peace, health and safety, and advance the housing policies of the city with regard to low and fixed income persons, minorities, students, handicapped, and the aged."

II. Background

The Berkeley Rent Stabilization Program (Rent Board) has an overriding interest in deciding what is spoken on behalf of the Rent Board on Social Media Sites. To further this interest, this administrative instruction sets guidelines governing User-generated Content within various Social Media Sites managed and administered by the Rent Board, or on its behalf pursuant to contract. In utilizing social media the Rent Board is not establishing a traditional public forum, rather the intent is to create a social media platform limited to subjects and Users determined by the Rent Board, as discussed below.

III. Scope

This administrative instruction applies to all Rent Board employees who use Social Media Sites in a professional capacity. This instruction does not apply to social media such as Facebook, YouTube, Flickr, Twitter, etc. that are controlled and moderated by third parties whose decisions are not within the control of the Rent Board. However, this instruction does apply to such social media to the extent the Rent Board has the ability to control or regulate User Content.

IV. Definitions

Rent Board Social Media Site: Any Social Media Site that any Rent Board employee established, managed or maintained, or causes to be established,

managed, or maintained on behalf of the Rent Board, to serve the public, regardless of whether or not the Rent Board owns the servers, equipment, network or software platform on which such site resides.

Content: Any information, data, text, music, sound, photographs, graphics, video, messages, or other material posted on a Rent Board Social Media Site.

Social Media Site: A website containing Content designed to be disseminated through social interaction, which allows the creation and exchange of User-generated Content. Examples of Social Media Sites include Facebook, Twitter, MySpace, YouTube, Linkedin, and Flickr.

Conditions of Use: Sets rules and regulation for the use of Rent Board Social Media Sites.

User: Any member of the public using a Rent Board Social Media Site.

V. Policy for Establishment and Use of Social Media on behalf of the Rent Stabilization Program

A. The Berkeley Rent Stabilization Program website at www.ci.berkeley.ca.us/rent, or any successor website, will remain the Rent Board's primary and predominant Internet presence. Wherever possible, Rent Board Social Media Sites should link back to the Berkeley Rent Stabilization Program's website for forms, documents, information, and other online services.

B. Rent Board employees may not establish a Rent Board Social Media Site without prior approval of the Executive Director.

C. If the Rent Board establishes a Rent Board Social Media Site, the Executive Director shall designate at least one Rent Board employee to manage and maintain the site.

D. Any Rent Board employee, other than the Designated Employee, creating content on behalf of the Rent Board must obtain authorization from the Executive Director or the Designated Employee. No Rent Board employee my represent that he or she is speaking on behalf of the Rent

Board unless authorized to do so consistent with the terms of this Administrative Instruction.

E. Rent Board staff shall use the Rent Board's legal department for advice on any legal issue that might arise as a result of the use of social media, and shall maintain maximum independence from the Berkeley City Manager, City Attorney, and City Counsel.

F. The Rent Board assumes full authority and control over Rent Board social media outlets, and assumes full responsibility of said outlets. The City of Berkeley, City Manager, and City Attorney assume no liability for any Rent Board Social Media Site or policy as it relates thereto.

G. Unless the Information Systems Department determines it is technically infeasible, the Designated Employee shall prominently post the following language on the Rent Board Social Media Site:

In addition to the Service Provider's terms or conditions of use, Users of this site agree to the Berkeley Rent Stabilization Program's policies regarding Social Media Sites and the Conditions of Use, which may be found at [insert link to our website]. This site is intended to serve as a mechanism for communication between the public and the Rent Board on topics posted by the Berkeley Rent Stabilization Program. Any comment posted on this site is solely the opinion of the person posting such comment.

VI. Conditions of Use for Rent Board Social Media Sites

1. **Purpose**: The Rent Board has the right to set and enforce rules and regulations for the use of Rent Board Social Media Sites. Rent Board Social Media Sites are not traditional public forums.

2. **Agreement to Conditions of Use:** By accessing, participation in, or using any Rent Board Social Media Sites, User agrees to abide by these Conditions of Use.

3. **User-created Content:** All User-created Content is the sole responsibility of the User creating such Content. This means that each User, and not the Rent Board, is entirely responsible for all Content that he or she uploads, posts, emails, or otherwise transmits via Rent Board Social Media Sites. The Rent Board does not guarantee the accuracy, integrity, or quality of such Content. Content posted by a User on any Rent Board Social Media Site reflects the

opinion of the User only, and publication of any Content does not imply endorsement of, or agreement by, the Rent Board, nor does such Content necessarily reflect the opinions or policies of the Berkeley Rent Stabilization Program.

As is the case with all Social Media Sites, there is a risk that a User may be exposed to offensive, indecent or objectionable Content. Each User is solely responsible for his or her own interaction with other Users. The Berkeley Rent Board assumes no liability regarding any event or interaction that takes place by participants in any Rent Board Social Media Site.

4. **Improper Use:** The following types of content are prohibited and will be removed without advance notice:
    a. Any material unrelated to the stated purpose of the Rent Board Social Media Site;
    b. Content that violates any applicable federal, state or local law, including but not limited to the Electronic Communications Privacy Act of 1986;
    c. Profane, obscene or pornographic content and/ or language;
    d. Content that promotes, fosters, or perpetuates discrimination on the basis of race, age, religion, gender, sexual orientation, or national origin;
    e. Threats to any person or organization;
    f. Defamatory statements as defined by applicable law;
    g. Private, personal information published without consent of the individual identified;
    h. Content that violates a legal ownership interest of any other party;
    i. Information that is likely to compromise the safety or security of the public or public systems;
    j. Solicitation of commerce, including but not limited to advertising of any business or product for sale; except as provided for on certain Social Media Sites and/or blogs;
    k. Content that intimidates or harasses, or is intended to do so;
    l. Advocacy with respect to specific political parties or candidates, whether local, state or national;
    m. Photos or other images that fall in any of the above categories; and
    n. Hyperlinks to material that falls in any of the above categories.

In addition, Users are advised to protect privacy and not post personally identifying information. Persons under age 18 and their guardians, especially, should not post information such as last name, school, age, phone number, or address.

5. **Termination; Suspension:** The Rent Board has the right to terminate or suspend any User's access to Rent Board Social Media Sites immediately, without prior notice or a hearing, if such User violates any of these conditions.

6. **Compliance with Law:** Any violation of applicable federal, state, or local laws or regulations will be prosecuted. Illegal activity will be reported to proper legal authorities.

7. **Privacy:** Content posted on Rent Board Social Media Sites is not private and may be disclosed by the Rent Board at any time.

8. **Entire Agreement; Severability; Waiver:** These Conditions of Use comprise the entire agreement between User and the Rent Board regarding the use of Rent Board Social Media Sites. If any portion of these Conditions of Use is found to be unenforceable, the remainder will be in full force and effect. Failure on behalf of the Rent Board to enforce any of these Conditions shall not be considered a waiver.

BERKELEY RENT BOARD

Buying and Selling Rental Property in Berkeley

April 7, 2021

Berkeley Rent Board Housing Counselors
Moni T. Law and Carla Orozco

AGENDA

- Rent Control Basics
- Registration Requirements (fully covered and MM)
- Preparing to Sell a Property
- Considerations When Buying a Property
- Good Cause for Eviction
- Tenant Buyout Agreements
- Security Deposit Interest

510-981-7368 (RENT)
rent@cityofberkeley.info

CONSIDERATIONS WHEN PURCHASING

- Tenant Occupied?
- Lease Terms for the Tenant?
- Security Deposit Interest Owed? (annual)
- Penalties Owed to the Berkeley Rent Board?

510-981-7368 (RENT)
rent@cityofberkeley.info

DUTY TO PAY SECURITY DEPOSIT INTEREST

- The Berkeley Rent Stabilization Ordinance requires landlords to pay tenants interest on their security deposits while being held by the landlord.

- Property Owners use the Berkeley Bank Rate. Interest rate to be paid in December 2020 for deposits held November 1, 2019- October 31, 2020: 0.2%

510-981-7368 (RENT)
rent@cityofberkeley.info

Rent Control Basics in Berkeley
Rent Control and Eviction Protections

510-981-7368 (RENT)
rent@cityofberkeley.info

RENT CONTROL: FULLY COVERED UNITS

	MULTI-UNIT PROPERTIES BUILT BEFORE JUNE 1980	ROOMING HOUSES	SINGLE FAMILY HOMES WITH TENANTS WHO MOVED IN BEFORE 1996
Registration?	Yes	Yes	Yes
Rent Control?	Yes	Yes	Yes
Eviction Protections?	Yes	Yes	Yes
Security Deposit Interest?	Yes	Yes	Yes

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RENT CONTROL: PARTIALLY COVERED UNITS

	SINGLE FAMILY HOMES RE-RENTED AFTER 1/1/96	MOST CONDOMINIUMS	NEW CONSTRUCTION (Regulation 510)
Registration?	YES: Measure MM	Yes: MM	Yes: MM
Rent Control?	No	No	No
Eviction Protections?	Yes	Yes	Yes
Security Deposit Interest?	Yes	Yes	Yes

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RENT CONTROL: FULLY EXEMPT UNITS

	TENANT SHARES KITCHEN OR BATH WITH PROPERTY OWNER	"GOLDEN DUPLEX"	TENANCIES STARTED AFTER 11/7/18 WHERE ONE UNIT IS AN ADU & EITHER UNIT IS OWNER-OCCUPIED
Registration?	No	No	No
Rent Control?	No	No	No
Eviction Protections?	No	No	No
Security Deposit Interest?	No	No	No

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REGISTRATION FOR FULLY COVERED UNITS

- Registration Fee is $250 per unit for the 2020/2021 Fiscal Year
- File Initial Registration Statement if property never registered
- Submit Amended Registration Statement within 60 days of transfer
- Contact the Rent Board and inquire BEFORE you close
- Registration Fees and Penalties: Debt passes to new owner

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rent@cityofberkeley.info

NEW LAW: RENT BOARD REGISTRATION OF UNITS UNDER MEASURE MM

- The following units must be registered by April 15th if they are rented:
  - Single Family Homes
  - Condos
  - New Construction (Certificate of Occupancy post-1980)

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rent@cityofberkeley.info

PRIMARY EXEMPTIONS

- Owner occupied, maintained for owner's use only, or occupied rent free

- Section 8 or Shelter Plus tenancies

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SINGLE FAMILY HOME/CONDO EXEMPTION

- IF rented for up to two years AND you:
  - Own no more than 1 residential unit in Berkeley;
  - Lived in the unit as your primary residence for at least 365 consecutive days immediately prior to rental;
  - Will reoccupy the unit as primary residence;
  - Specify rent term, not to exceed 24 months, in the lease

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QUALIFIED ADUS ARE FULLY EXEMPT

- Not subject to rent control protections
- Not registered with the Board
- No Good Cause for eviction protections
- Does not receive security deposit interest
- Owner-occupied 2-unit properties with tenancy starting after 11/7/2018

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SHOWING UNITS DURING COVID PANDEMIC

- What are the Rules? Check Public Health Director's Shelter-in- Place Orders on website: https://www.cityofberkeley.info/covid19/
- The City of Berkeley's Public Health Department is aligned with the State of California Industry Guidance found at: https://files.covid19.ca.gov/pdf/guidance-real-estate--en.pdf

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SERVE PROPER NOTICE

- California Civil Code 1954
- At least 24 Hours in Advance
- During Normal Business Hours
- For Purpose of Renting or Selling

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rent@cityofberkeley.info

EVICTION MORATORIUM

- State of Emergency declared at national, state, local levels in response to COVID-19 global pandemic
- City of Berkeley: COVID-19 Emergency Response Ordinance bans most evictions during local state of emergency
- State of California: COVID-19 Tenant Relief Act (AB 3088) and SB 91 prohibits landlords from evicting tenants due to COVID-19-related financial distress

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LIMITATIONS ON EVICTIONS IN BERKELEY
During Eviction Moratorium

- Evictions <u>are</u> permitted in the following cases:
  - Ellis Act Evictions
  - Evictions that are necessary for the health and safety of residents (The health and safety exception cannot be the resident's actual or suspected COVID-19 illness or exposure)
  - Some instances of nonpayment of rent (AB 3088/SB91)

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LIMITATIONS ON EVICTIONS IN BERKELEY
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WHEN EVICTION MORATORIUM ENDS: 12 GOOD CAUSES (sale of property NOT good cause)

1) Non-Payment of Rent
2) Violating a Material Term of the Lease
3) Willfully causing substantial damage and refusing to pay for repairs
4) Refusal to sign a substantially similar lease upon expiration
5) Disturbing peace and quiet of others
6) Refusal to allow access to show, inspect or repair after receiving 24 hr notice
7) Temporary Relocation for Substantial Repairs
8) Demolition Permit
9) Owner/Relative Move-In for self, spouse, parent or child
10) "Sabbatical Leave" allowing return to primary residence
11) Refused to vacate temporary housing offered after repairs completed
12) Tenant engages in unlawful activity on the premises

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rent@cityofberkeley.info

INCREASED RELOCATION PAYMENTS (13.76.130.A.9.g)

- Ellis and OMI Relocation Payments are now the same (1/1/2021):
  - $16,341 in standard relocation
  - $5,447 in additional relocation to certain tenants

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rent@cityofberkeley.info

ELIGIBILITY FOR ADDITIONAL $5,447

- Low-income tenants
- Disabled tenants
- Elderly tenants
- Minor Children
- Tenants whose tenancy began prior to January 1, 1999

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rent@cityofberkeley.info

SCHOOL-YEAR PROTECTION FOR FAMILIES WITH CHILDREN (13.76.130.A.9.k)(OMI ONLY)

- **Landlord** may not recover possession of unit if:
  - Tenants in unit for 12 months or more with a minor child and
  - If effective date of termination falls within the school year (published on Berkeley Unified School District website)

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rent@cityofberkeley.info

TENANT BUYOUT AGREEMENTS: 5 REQUIREMENTS

- The right not to enter into a buyout agreement;
- The right to consult an attorney before signing;
- The right to rescind the agreement at any time up to 30 days after signing;
- The right to consult the Rent Stabilization Board; AND
- Mandatory language in the agreement to reflect these four rights.

510-981-7368 (RENT)
rent@cityofberkeley.info

ADDITIONAL BUYOUT REQUIREMENTS

- Give the tenant a copy of the agreement;
- File a copy of the fully executed agreement with the Rent Board between 31-60 days after signature; AND
- Complete the Mandatory "Buyout Agreement Disclosure Form" – keep copy at least five years after all parties sign

510-981-7368 (RENT)
rent@cityofberkeley.info

CITY'S RESIDENTIAL HOUSING SAFETY PROGRAM (RHSP) SCHEDULE A

- RHSP Registration Fee Annually, and Self-Certified Safety Checklist due by July 1 each year, copy to all tenants
- Includes decks, stairwells and balconies

https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Housing_Code_Enforcement/SCH-A20%20FORM%20-%20Fillable.pdf

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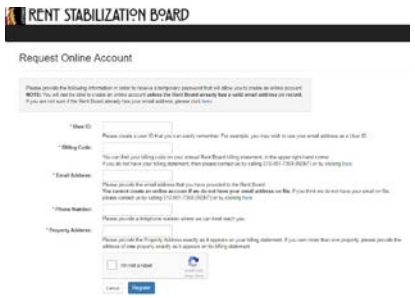
rent@cityofberkeley.info

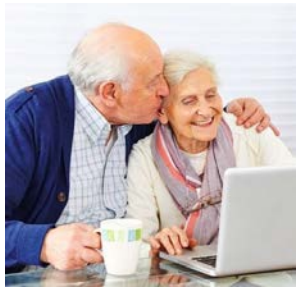
ONLINE REGISTRATION IS NOW AVAILABLE

SET UP AN ACCOUNT TODAY



Have an email on file with the Rent Board?\

REGISTER TENANCIES



From your kitchen table!

File vacancy registration forms or change unit status online from anywhere!

PAY REGISTRATION FEES

From the beach!

You can pay for one property at a time or multiple properties all at once!

Visit our website to find a link to Online Registration: www.cityofberkeley.info/rent

VISIT OUR WEBSITE
cityofberkeley.info/rent

- Tenant Information
- Laws & Regulations
- Workshops & Seminars
- Mediation & Petition Forms
- Rent Board Commission Meetings

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JOIN OUR EMAIL LISTS

- Annual General Adjustment
- Billing & Registration
- Newsletters & Announcements
- Rent Board Agendas
- Rent Board Committee Agendas
- Workshops and Seminars for Property Owners
- Workshops and Seminars for Tenants

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COMPLETE AN EVALUATION

BERKELEY RENT BOARD

Berkeley Rent Board Events Evaluation

Please fill out this evaluation and return to us. Thank you!

Event Title: _____

Event Presenter: _____

Please rate the quality of the presentation.

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

Disappointing Exceptional

COMMENTS:

Please rate the length of the presentation.

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

Disappointing Exceptional

COMMENTS:

Did you learn what you expected from this event?

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

Disappointing Exceptional

COMMENTS:

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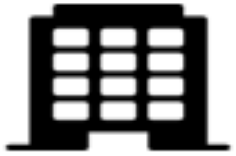
BERKELEY RENT BOARD

QUESTIONS?
CONTACT US!

BERKELEY RENT BOARD

510-981-7368 (RENT)

RENT@CITYOFBERKELEY.INFO



2125 MILVIA STREET BERKELEY

WWW.CITYOFBERKELEY.INFO/RENT