



RENT STABILIZATION BOARD
LEGISLATION, IRA / AGA & REGISTRATION COMMITTEE MEETING

Tuesday, October 3, 2023 – 5:30 p.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd floor, Berkeley

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION.

For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/89360769790?pwd=cVNYZGZIMUVlQmJuTIB0ZklLVG95Zz09..> 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 and enter Webinar ID: 893 6076 9790 and Passcode: 257766. 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 email comment for the Committee's consideration and inclusion in the public record, email mbrown@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR LIRA 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 rules of procedure and decorum apply for both in-person attendees and those participating 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 at the posted location(s). Questions regarding this matter may be addressed to DéSeana Williams, Executive Director of the Rent Board, at 510-981-7368 (981-RENT). The Committee may take action related to any subject listed on the Agenda.



COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at (510) 981-6418 (voice) or (510) 981-6347 (TDD) at least three (3) business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



RENT STABILIZATION BOARD

LEGISLATION, IRA / AGA & REGISTRATION COMMITTEE MEETING

Tuesday October 3, 2023 – 5:30 p.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd floor, Berkeley

AGENDA

1. Roll call
2. Land Acknowledgment Statement: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiuñ-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.
3. Approval of the agenda
4. Approval of minutes from the July 24, 2023 meeting (Attached to agenda)
5. Public Comment
6. Discussion and possible action to recommend that full Board approve publication of the 2024 Annual General Adjustment at the October 23, 2023 meeting (see attached Staff Report)
7. Discussion and possible action to recommend that full Board approve the 2024 Annual Inflationary Adjustment of the Owner Move-In and Ellis Act Relocation Assistance payments at the October 23, 2023 meeting (see attached Staff Report)
8. Discussion and possible action to consider amending Rent Board Regulation 1269 to allow the hearing examiner to adjust the actual rent paid rather than the rent ceiling when making determinations regarding changes/decreases in space or services
9. Discussion and possible action regarding the expansion or extension of certain City services available to all residents

10. Discussion and possible action regarding future agenda items

- ➔ Potential Rules and/or Regulations for digital or keyless entry (Commissioner Kelley)
- ➔ Potential Regulation regarding Occupancy Subleases (Commissioner Alpert)
- ➔ Inventory of Proposed Amendments to the Ordinance (Commissioner Alpert)
- ➔ Potential items for the 2024 ballot initiatives (Commissioner Alpert)

11. Confirm next meeting date

12. Adjournment

STAFF CONTACT: Matt Brown, General Counsel (510) 981-4930
COMMITTEE: Soli Alpert, Andy Kelley (Chair), Ida Martinac, Nathan Mizell



Rent Stabilization Board

RENT STABILIZATION BOARD

LEGISLATION, IRA / AGA & REGISTRATION COMMITTEE MEETING

Monday, July 24, 2023 – 5:30 p.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd floor, Berkeley

Minutes – (Unapproved)

1. Roll call: Matt Brown called Roll
Members Present: Alpert, Kelley, Martinac and Mizell.
Staff Present: M. Brown, O. Ehlinger and H. Kim.
2. Land Acknowledgment Statement: The Recording of the Land Acknowledgment Statement was played.
3. Approval of the agenda: M/S/C (Alpert/Mizell) Motion to approve the agenda. Voice Vote. Carried: 4-0-0-0.
4. Approval of minutes from the May 2, 2023 meeting (Attached to agenda): M/S/C (Alpert/Mizell) Motion to approve the May 2, 2023 Committee Meeting Minutes. Voice Vote. Carried: 4-0-0-0.
5. Public Comment: No Public Comment
6. Discussion and possible action regarding sanction options for failure to produce Vacancy Registration Forms for current tenancies (See attached staff report): General Counsel Brown and Staff Attorney Ehlinger gave a brief presentation on the attached staff report and took questions from the Committee. Staff will provide an additional report on possible language for some of the options discussed at a future meeting.
7. Discussion and possible action regarding the status of changes to Regulations 525, 1205, and 1210 that the LIRA Committee approved but the full Board did not: Staff Attorney Kim gave a brief presentation and took questions from the Committee. The Legal Unit will consult with the Hearing Units and provide a report to the Full Board at a future meeting.
8. Discussion and possible action regarding future agenda items:
 - ➔ Expansion or extension of certain City services to all residents (Commissioner Kelley)
 - ➔ Potential Rules and/or Regulations for digital or keyless entry (Commissioner Kelley)
 - ➔ Potential Regulation and Education on Mold Reduction (Commissioner Kelley)
 - ➔ Potential Adjustments on Rent Ceiling and Rent Amounts (Commissioner Kelley)
 - ➔ Potential Regulation regarding Occupancy Subleases (Commissioner Johnson/Alpert)
 - ➔ Inventory of Proposed Amendments to the Ordinance (Commissioner Alpert)
 - ➔ Potential items for the 2024 ballot initiatives (Commissioner Alpert)

9. Confirm next meeting date: The Committee agreed to meet on Tuesday, September 5, 2023 at 5:30 p.m.
10. Adjournment: M/S/C (Alpert/Mizell) Motion to Adjourn. Voice Vote. Carried: 4-0-0-0. Meeting adjourned at 6:43 p.m.

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

COMMITTEE: Soli Alpert, Andy Kelley (Chair), Ida Martinac and Nathan Mizell




Rent Stabilization Board
Legal Unit

MEMORANDUM

DATE: October 3, 2023

TO: Honorable Members of the LIRA Committee

FROM: Matt Brown, General Counsel 

SUBJECT: 2024 ANNUAL GENERAL ADJUSTMENT STAFF REPORT

Recommendation

That the LIRA Committee recommend that the Board adopt a resolution to publish and publicize that, pursuant to Berkeley Municipal Code section 13.76.110, the annual general adjustment (AGA) of rent ceilings for 2024 is an upward adjustment of **1.9%**.

I. Background

Section 11 of the Rent Stabilization Ordinance, codified at Berkeley Municipal Code (B.M.C.) section 13.76.110, provides for an annual general adjustment of rent ceilings for rental units covered by the Ordinance. From 1980 through 2004, Section 11 required the Rent Board to annually enact a general adjustment formula based on a survey of typical changes in apartment operating and maintenance costs. At the November 2004 general municipal election, the voters substantially amended Section 11 of the Ordinance so that now each year's AGA is set as a fixed percentage of the prior fiscal year's increase in the Consumer Price Index.

II. Computing AGA in Accordance with Berkeley Municipal Code Section 13.76.110.A.

As amended, B.M.C. section 13.76.110.A now mandates that, effective January 1st of each year, the rent ceiling for all rental units covered by the Rent Stabilization Ordinance, except those for which the landlord established an initial rent during the prior calendar year, shall be adjusted by 65% of the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve month period ending the previous June 30. In determining the allowable percentage rent increase, numbers of .04 and below shall be rounded

down to the nearest tenth decimal place and numbers of .05 and above shall be rounded up to the nearest tenth decimal place. In no event shall the allowable annual adjustment be less than zero (0%) or greater than seven percent (7%). The Rent Board is required to publish and publicize the annual general adjustment on or about October 31st of each year.

The U.S. Department of Labor, Bureau of Labor Statistics, has reported that for the twelve-month period ending June 30, 2023, the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose region increased from 330.539 to 340.056, an increase of 9.517 points. Thus, the relevant CPI from June 2022 (330.539) to June 2023 (340.056) has increased by 2.9%.¹ (See Attachment 1.) Under Berkeley Municipal Code section 13.76.110.A, the AGA for 2024 is **1.9%** (i.e., 65% of 2.9 = 1.89 rounded to the nearest tenth decimal place).

Accordingly, effective January 1, 2024, the 2023 rent ceilings for all controlled rental units, except those for which an initial rent was established between January 1, 2023 and December 31, 2023, shall be increased by **1.9%**.

III. Conditions for Taking the Annual General Adjustment

An upward general adjustment in rent ceilings does not automatically provide for a rent increase and a landlord must meet the conditions for qualifying to take the AGA.

Allowable rent increases pursuant to an AGA become effective only after the landlord gives the tenant at least 30 days written notice and the notice period expires. (B.M.C. §13.76.110.B.) Moreover, if the maximum allowable rent specified under the Rent Ordinance is greater than the rent specified for the unit in a rental agreement, the lower rent specified in the rental agreement is the maximum allowable rent until the rental agreement expires. If the maximum allowable rent specified under the Ordinance is less than the rent specified in the rental agreement, the lower rent specified under the Ordinance is the maximum allowable rent. (B.M.C. §13.76.110.C.)

The Rent Ordinance further provides that no rent increase pursuant to an AGA shall be effective if the landlord:

1. Has continued to fail to comply, after order of the Board, with any provisions of the Rent Ordinance and/or Board orders or regulations;
2. Has failed to bring the rental unit into compliance with the implied warranty of habitability;
3. Has failed to make repairs as ordered by the housing department of the City of Berkeley; or
4. Has failed to completely register the rental units as required by B.M.C. §13.76.080.

Each of the conditions for taking an AGA are traditionally incorporated into the text of the AGA order.

¹ While the actual difference is 2.879%, it has been the Board's practice to base the 65% calculation on the CPI percentage increase rounded to the nearest tenth decimal place.

IV. Staff Review

Staff has reviewed the Consumer Price Index figures published by the U.S. Department of Labor, Bureau of Labor Statistics and confirms that, pursuant to Berkeley Municipal Code section 13.76.110.A, the 2024 AGA is an increase of **1.9%**. Staff recommends that the Board adopt Resolution 23-XX to publish the 2024 AGA as Regulation 1146 and to direct staff to publicize the 2024 AGA in a manner reasonably calculated to notify all affected persons of the terms of the 2024 Annual General Adjustment no later than November 30, 2023.

Attachments

1. U.S. Department of Labor, Consumer Price Index, All Urban Consumers (CPI), San Francisco-Oakland-San Jose, CA., All items, June 2019 - June 2023.
2. Proposed Resolution 23-XX Confirming that the 2024 Annual General Adjustment Increases Rent Ceilings by **1.9%** and Publishing the 2024 AGA as Regulation 1146.
3. Proposed 2024 Annual General Adjustment (AGA) Order – Regulation 1146.



Databases, Tables & Calculators by Subject

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Data extracted on: August 11, 2023 (1:09:29 PM)

CPI for All Urban Consumers (CPI-U)

Series Id: CUURS49BSAO

Not Seasonally Adjusted

Series Title: All items in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted

Area: San Francisco-Oakland-Hayward, CA

Item: All items

Base Period: 1982-84=100

Download: [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2019		291.227		294.801		295.259		295.490		298.443		297.007	295.004	293.150	296.859
2020		299.690		298.074		300.032		300.182		301.736		302.948	300.084	299.109	301.059
2021		304.387		309.419		309.497		311.167		313.265		315.805	309.721	306.724	312.718
2022		320.195		324.878		330.539		328.871		332.062		331.222	327.060	323.408	330.711
2023		337.173		338.496		340.056								337.689	

12-Month Percent Change

Series Id: CUURS49BSAO

Not Seasonally Adjusted

Series Title: All items in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted

Area: San Francisco-Oakland-Hayward, CA

Item: All items

Base Period: 1982-84=100

Download: [xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2019		3.5		4.0		3.2		2.7		3.0		2.5	3.3	3.7	2.9
2020		2.9		1.1		1.6		1.6		1.1		2.0	1.7	2.0	1.4
2021		1.6		3.8		3.2		3.7		3.8		4.2	3.2	2.5	3.9
2022		5.2		5.0		6.8		5.7		6.0		4.9	5.6	5.4	5.8
2023		5.3		4.2		2.9								4.4	

RESOLUTION 23-XX

CONFIRMING THAT THE 2024 ANNUAL GENERAL ADJUSTMENT (AGA) INCREASES RENT CEILINGS BY 1.9 PERCENT AND ORDERING THAT THE 2024 AGA BE PUBLISHED AS REGULATION 1146

BE IT RESOLVED by the Rent Stabilization Board of the City of Berkeley as follows:

WHEREAS, Section 11 of the Rent Stabilization Ordinance, codified as Berkeley Municipal Code section 13.76.110, mandates that effective January 1st of each year, the rent ceiling for all rental units covered by the Ordinance for which the landlord did not establish an initial rent during the prior calendar year shall be adjusted by 65% of the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending the previous June 30; and,

WHEREAS, the U.S. Department of Labor, Bureau of Labor Statistics, has reported that the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region for the twelve-month period ending June 30, 2023, has increased by 2.9 percent from 330.539 to 340.056; and,

WHEREAS, 65 percent of 2.9 percent results in an upward adjustment of 1.9 percent, when rounded as required by Berkeley Municipal Code section 13.76.110; and,

WHEREAS, Berkeley Municipal Code section 13.76.110 mandates that the Rent Board publish and publicize the annual general adjustment on or about October 31st of each year,

NOW, THEREFORE BE IT RESOLVED by the Rent Stabilization Board that the 2024 Annual General Adjustment of 1.9% shall be published as Rent Board Regulation 1146 and that Rent Board staff shall publicize the 2024 Annual General Adjustment in a manner reasonably determined to notify all affected persons of the terms of the 2024 Annual General Adjustment no later than November 30, 2023.

Dated: October 23, 2023

Adopted by the Rent Stabilization Board by the following vote:

- YES:
- NO:
- ABSTAIN:
- ABSENT:

Leah Simon-Weisberg, Chairperson
Rent Stabilization Board

Attest: _____
DeSeana Williams, Executive Director

1146. ANNUAL GENERAL ADJUSTMENT ORDER FOR 2024

(A) In accordance with Section 11 of the Rent Stabilization and Eviction for Good Cause Ordinance as amended and Board Regulation 1100, the Rent Stabilization Board hereby adjusts the Year 2023 Rent Ceilings (exclusive of temporary increases in rent ceilings) upward by 1.9% for all rental units covered by the Ordinance, except those rental units for which an Initial Rent was established pursuant to the Costa-Hawkins Rental Housing Act on or after January 1, 2023.

The Year 2023 Rent Ceiling is defined as the Base Rent Ceiling established in Section 10 of the Ordinance or, for units where an Initial Rent was established between January 1, 1996 and December 31, 2022, the last Initial Rent established pursuant to the Costa-Hawkins Rental Housing Act, plus any adjustment of the Base Rent Ceiling granted by the Board.

(B) The adjustment granted by this Order shall become effective on January 1, 2024, provided the landlord is otherwise entitled to the adjustment pursuant to the provisions of the Ordinance and this Order. The rent ceiling adjustment granted herein shall not apply to the rent ceiling of any rental unit for which an Initial Rent was established pursuant to the Costa-Hawkins Rental Housing Act on or after January 1, 2023.

(C) Rent Ceilings adjusted pursuant to this Order may not be rounded to the nearest dollar amount.

(D) The upward general adjustment granted in this Order does not automatically provide for a rent increase. Rent increases pursuant to this Order shall become effective only after the landlord gives the tenant(s) at least thirty (30) days' prior written notice of such rent increase and the notice period expires.

Each notice to a tenant of a rent increase pursuant to this Order shall be in the following form and contain the following information:

Thirty-Day Notice of Rent Increase

This notice is provided pursuant to the 2024 Annual General Adjustment (AGA) Order of the Rent Stabilization Board.

Tenant's name: _____

Street address: _____ Unit No. _____

The present rent on your unit is \$ _____ per month.

[The 2024 AGA Order adjusts 2023 rent ceilings by 1.9%]

Your rent will increase by \$ _____ pursuant to the 2024 AGA Order.

Your new rent will be \$ _____ per month beginning _____. (This date must be at least 30 days after service of the Notice of Rent Increase.)

Advice concerning this Notice and the rental history of the unit is available from the Rent Stabilization Board Public Information Unit, 2125 Milvia Street, Berkeley, CA 94704, from 9:00 a.m. to 2:00 p.m., Monday, Tuesday, Thursday and Friday, telephone (510) 981-7368.

Date

Landlord/Manager

(E) Landlords are not required under the Ordinance and/or this Order to increase rents at all or by the full amount of the general adjustment granted in this Order.

(F) If the maximum allowable rent specified under the Ordinance for a rental unit is greater than the rent specified for such unit in the rental agreement, the lower rent specified in the rental agreement shall be the maximum allowable rent until the rental agreement expires. If the maximum allowable rent specified under the ordinance for a rental unit is less than the rent specified for such unit in the rental agreement, the lower rent specified under this chapter shall be the maximum allowable rent.

(G) No rent increase pursuant to this Order shall be effective if the landlord:

(1) Has failed to register any rental unit on the property in accordance with Section 8 of the Ordinance and/or orders or regulations of the Board, including the requirement to file a vacancy registration form at the beginning of a new tenancy commencing on or after January 1, 1996; or

(2) Demands, accepts, receives or retains any payment in excess of the maximum allowable rent for the unit permitted by the Ordinance; or

(3) Has failed to comply, after order of the Board, with any provisions of the Ordinance and/or orders or regulations of the Board concerning the affected rental unit; or

(4) Has failed to bring the rental unit into compliance with the implied warranty of habitability, as demonstrated by an outstanding Notice of Violation from the City’s Housing Code Enforcement and/or failure to comply with a Rent Board Hearing Examiner’s Decision.

(H) The amount of this general adjustment for which the landlord shall be eligible shall decrease by ten percent (10%) per month for each month beyond October 1, 2023, for which the landlord fails to register. A landlord who is ineligible to raise rents under this general adjustment due to a violation of one or more of the conditions of subsection (G) shall be able to raise rents under this adjustment in future years upon correction of the condition and substantial compliance with the Ordinance in accordance with Civil Code section 1947.7.



Rent Stabilization Board

MEMORANDUM

DATE: October 3, 2023

TO: Honorable Members of the LIRA Committee

FROM: Matt Brown, General Counsel *MB*

SUBJECT: 2024 INFLATIONARY ADJUSTMENT OF RELOCATION ASSISTANCE PAYMENTS

Recommendation

That the LIRA Committee recommend that the Board adopt Resolution 23-XX to publish that, pursuant to Berkeley Municipal Code sections 13.76.130.A.9.h (Owner Move-In), and 13.77.055.A.2 (Ellis Act), the relocation assistance payments set forth in sections 13.76.130.A.9.g. (Owner Move-In) and 13.77.055.A (Ellis Act) shall increase by **2.9%** effective January 1, 2024.

I. Background

Section 13 of the Rent Stabilization Ordinance, codified at Berkeley Municipal Code (B.M.C.) section 13.76.130.A.9, requires relocation assistance payments by landlords to tenants in the event of an Owner Move-In eviction. Adopted by Berkeley voters in November of 2016, Measure AA amended section 13.76.130.A.9 to both increase the amount of the relocation assistance payments, and to index the payments to inflation. On October 20, 2016, the Berkeley City Council amended the Ellis Act Implementation Ordinance (Chapter 13.77) to require the same relocation assistance payment amounts and the same inflation adjustments.¹

II. Computing Relocation Assistance Payments in Accordance with Berkeley Municipal Code Sections 13.76.130.A.9.h. and 13.77.055.A.2

Beginning in 2018, and effective January 1, 2019, the relocation assistance payment amounts for Owner Move-In evictions may be increased by the percentage increase in the Consumer Price Index – All Urban Consumers in the San Francisco-Oakland-San Jose Region for the 12-month

¹ While B.M.C. Chapter 13.77 was adopted by Council and is not part of the Rent Ordinance, the Ellis Implementation Ordinance specifically provides that the Board shall publish the yearly inflationary increase in the relocation assistance fee. B.M.C. section 13.77.055A.2.

period ending June 30, of the prior year, as published by the United States Department of Labor. Any increase shall be published by the Board on or before October 31st of each year. The same provisions apply to Ellis Act Relocation Assistance Payments, which “shall” annually increase by the same criteria. (B.M.C. 13.77.055.A.2.)

The Board’s long-standing practice in determining the allowable percentage rent increase, is that numbers of .04 and below shall be rounded down to the nearest tenth decimal place and numbers of .05 and above shall be rounded up to the nearest tenth decimal place.

The U.S. Department of Labor, Bureau of Labor Statistics, has reported that for the twelve-month period ending June 30, 2023, the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose region increased from 330.539 to 340.056, an increase of 9.517 points. Thus, the relevant CPI from June 2022 (330.539) to June 2023 (340.056) has increased by 2.9%.² (See Attachment 1.)

The current relocation assistance payment amounts are \$18,011 for standard relocation and an additional \$6,003 for qualifying tenant households. In accordance with the 2.9% increase in CPI, effective January 1, 2024, the relocation assistance payment amounts set forth in section 13.76.130.A.9.g. (Owner Move-In), are increased to **\$18,533** for the standard relocation payment with an additional **\$6,177** for qualifying tenant households following Board action to approve the attached Resolution. Likewise, the relocation assistance payment amounts set forth in section 13.77.055.A (Ellis Act) shall be **\$18,533** for the standard relocation payment with an additional **\$6,177** for qualifying tenant households following Board action to approve the attached Resolution.

III. Staff Review

Staff has reviewed the Consumer Price Index figures published by the U.S. Department of Labor, Bureau of Labor Statistics and confirms that, pursuant to Berkeley Municipal Code sections 13.76.130.A.9.h (Owner Move-In), and 13.77.055.A.2 (Ellis Act), the 2023 relocation payments are subject to an increase of **2.9%** effective January 1, 2024. Staff recommends that the Board adopt Resolution 23-XX to publish the 2024 Relocation Assistance Payment Amounts no later than October 31, 2023, and to direct staff to advise the interested public regarding these changes.

Attachments

1. U.S. Department of Labor, Consumer Price Index, All Urban Consumers (CPI), San Francisco-Oakland-San Jose, CA., All items, June 2019 - June 2023.
2. Proposed Resolution 22-XX Confirming that the 2023 Relocation Assistance Payments for Owner Move-In and Ellis Act Shall Increase by 2.9 Percent Effective January 1, 2024 and Publishing the 2024 Relocation Payment Amounts.

² While the actual difference is 2.879%, it has been the Board’s practice to base the 65% calculation on the CPI percentage increase rounded to the nearest tenth decimal place.



U.S. BUREAU OF LABOR STATISTICS

Databases, Tables & Calculators by Subject

Change Output Options:

From: 2019 To: 2023 GO

 include graphs
 include annual averages

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Data extracted on: August 11, 2023 (1:09:29 PM)

CPI for All Urban Consumers (CPI-U)

Series Id: CUURS49BSAO

Not Seasonally Adjusted

Series Title: All items in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted

Area: San Francisco-Oakland-Hayward, CA

Item: All items

Base Period: 1982-84=100

Download: [xlsx](#)

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12-Month Percent Change

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2021		1.6		3.8		3.2		3.7		3.8		4.2	3.2	2.5	3.9
2022		5.2		5.0		6.8		5.7		6.0		4.9	5.6	5.4	5.8
2023		5.3		4.2		2.9								4.4	

RESOLUTION 23-XX**CONFIRMING THAT THE 2024 RELOCATION ASSISTANCE PAYMENTS FOR OWNER MOVE-IN AND ELLIS ACT EVICTIONS SHALL INCREASE BY 2.9 PERCENT EFFECTIVE JANUARY 1, 2024, AND PUBLISHING THE 2024 RELOCATION PAYMENT AMOUNTS**

BE IT RESOLVED by the Rent Stabilization Board of the City of Berkeley as follows:

WHEREAS, Section 13 of the Rent Stabilization Ordinance, codified as Berkeley Municipal Code section 13.76.130.A.9, provides that effective January 1st of each year, the Relocation Assistance Payments required for Owner Move-In Evictions may be adjusted by the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve month period ending the previous June 30; and,

WHEREAS, the Ellis Act Implementation Ordinance, codified as Berkeley Municipal Code Chapter 13.77, provides that effective January 1st of each year, the Relocation Assistance Payments required for Ellis Act evictions shall be adjusted by the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve month period ending the previous June 30; and,

WHEREAS, the U.S. Department of Labor, Bureau of Labor Statistics, has reported that the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region for the twelve-month period ending June 30, 2023, has increased by 2.9 percent from 330.539 to 340.056; and,

WHEREAS, a 2.9 percent increase in the current Owner Move-In and Ellis Act Relocation Assistance Payment Amounts of \$18,011 and an additional \$6,003 for eligible tenant households yields a 2024 Relocation Assistance Payment amount of \$18,533 and an additional \$6,177 for qualifying tenant households; and,

WHEREAS, both Berkeley Municipal Code sections 13.76.130.A.9.h (Owner Move-In) and 13.77.055.A.2 (Ellis Act) mandate that the Rent Board publish any change in the Relocation Payment Amounts no later than October 31st of each year,

NOW, THEREFORE BE IT RESOLVED by the Rent Stabilization Board that the 2024 Relocation Assistance Payments required for Owner Move-In evictions and Ellis Act evictions shall be adjusted upward by 2.9% effective January 1, 2024, and Rent Board staff shall publicize the 2024 Relocation Assistance Payments in a manner reasonably determined to notify all affected persons. A 2.9 percent increase in the current Owner Move-In and Ellis Act Relocation Assistance Payment Amounts of \$18,011 and an additional \$6,003 for eligible tenant households yields a 2024 Relocation Assistance Payment amount of \$18,533 and an additional \$6,177 for qualifying tenant households.

RESOLUTION 23-XX

CONFIRMING THAT THE 2024 RELOCATION ASSISTANCE PAYMENTS FOR OWNER MOVE-IN AND ELLIS ACT EVICTIONS SHALL INCREASE BY 2.9 PERCENT EFFECTIVE JANUARY 1, 2024, AND PUBLISHING THE 2024 RELOCATION PAYMENT AMOUNTS (Page 2)

Dated: October 23, 2023

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chairperson
Rent Stabilization Board

Attest: _____
DeSeana Williams, Executive Director