



RENT STABILIZATION BOARD

Special Meeting

Monday, October 23, 2023 – 7:00 p.m.

School District Board Room – 1231 Addison Street, 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/82871490734?pwd=4jtOMJ4pp8UVahOsRkEp9MS0vUGODA.MbFtwb9sN7nPkOEm>. 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 1-669-444-9171 and enter Webinar ID: 828 7149 0734 and Passcode: 208809. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

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COMMUNICATION ACCESS INFORMATION:

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RENT STABILIZATION BOARD

Special Meeting

Monday, October 23, 2023

7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley

AGENDA

*Times allotted for each item are approximate and may be changed at the Board's discretion during the course of this meeting.

1. **Roll call** – 1 min.*
2. **Land Acknowledgment Statement**: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun- (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. – 2 min.*
3. **Approval of Agenda** – 1 min.*
4. **Public Comment** – 2 min. per speaker for *non*-agendized items*
5. **Public Comment** – 2 min. per speaker for items on the agenda*
6. **CONSENT ITEMS** – 1 min.*
 - a. Approval of the September 21st regular meeting minutes
 - b. Recommendation to authorize staff to restore Vice-Chair Alpert's stipend deduction for a committee meeting absence on September 11, 2023 (Chair Simon-Weisberg)
 - c. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

1109 THE ALAMEDA
2223 WARD
1522 HARMON
2231 SHATTUCK
2330 HASTE
1014 MARIPOSA
2228 MCKINLEY
1825 ASHBY
1818 SONOMA
2615 TELEGRAPH #301
2512 9TH ST
1422 OXFORD
1767 EUCLID #1
66 POPPY LANE
1561 EUCLID #3
2705 WALKER
856 THE ALAMEDA

Discretionary Waivers

Waiver No. Property Address

W5088	3053 DOHR
W5089	2122 DWIGHT
W5090	2043-2045 EMERSON
W5091	1237 RUSSELL
W5092	2315-2315A ASHBY

7. APPEAL – 7:30 p.m.**

***This appeal will not be heard before 7:30 p.m. but may be heard any time thereafter.*

Case No. T-6014 (2425 Fulton Street, Unit 4)

Appellant master tenant (“Master Tenant”) filed an appeal of a hearing decision granting in part and denying in part Petitioner subtenant’s (“Subtenant”) claim regarding illegally high rent for the rental unit located at 2425 Fulton Street Apt. 4, Berkeley, California 94704 (“premises”).

On appeal, Master Tenant requests a dismissal of Petition T-6014 on the grounds that Subtenant failed to: (1) give 30-day notice before vacating, (2) arrange a walk-through of the premises and properly surrender keys, and (3) pay final month’s rent. However, Master Tenant fails to identify a proper legal basis for appeal, and offers repeated testimony as well as new evidence that is not pertinent to the issues at hand. The decision

of the hearing examiner should be affirmed.

8. **ACTION ITEMS**

from Board Members, Committees, Executive Director or Staff

Public comment will also be heard prior to the Board's vote on each action item listed below – 1 min. per speaker

- a. Chair Update (Chair Simon-Weisberg) – 5 min.*
- b. Recommendation to adopt Resolution 23-25 confirming the 2024 Annual General Adjustment (AGA) of 1.9 percent and ordering that the 2024 AGA be published as Regulation 1146 (General Counsel) – 5 min.*
- c. Recommendation to adopt Resolution 23-26 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 (General Counsel) – 5 min.*
- d. Recommendation to adopt Resolution 23-27 authorizing the Executive Director to modify the contract with QuickCaption, Inc. for real-time remote closed captioning through June 30, 2024 (Executive Director/Board Secretary) – 5 min.*

9. **INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA**

from Board Members, Committees, Executive Director or Staff

NOTE: The Board may vote to move Information Items to the Action calendar.

- a. Eviction Moratorium update – *Verbal* (Public Information Unit Manager) – 5 min.*
- b. Date to submit agenda topics/items for November's regular Rent Board meeting: **Friday, November 3rd by 5:00 p.m.** (Board Secretary)

10. **COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS**

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – 5 min.*
Next regularly-scheduled meeting: Thursday, November 2nd at 5:30 p.m.

October 5th agenda

- b. Environmental Sustainability Committee (Commissioner Martinac, Chair) – 5 min.*
Next regularly-scheduled meeting date: To Be Announced (TBA)

- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – 5 min.*

Next regularly-scheduled meeting: Tuesday, November 14th at 6:00 p.m.

September 26th agenda

- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – 5 min.*

Next regularly-scheduled meeting: Tuesday, November 7th at 5:45 p.m.

October 3rd agenda

- e. Outreach Committee (Vice-Chair Alpert, Chair) – 5 min.*

Next regularly-scheduled meeting: Monday, November 13th at 6:00 p.m.

October 16th agenda

- f. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – 5 min.*

(Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)

Next regularly-scheduled meeting: Tuesday, October 24th at 3:00 p.m.

October 24th agenda packet

September 27th agenda packet (Updated)

- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA) – 5 min.*

Next meeting date: TBA

- h. Ad Hoc Committee to Consider Rent Ordinance Amendments at the 2024 November General Election (Commissioner Johnson, Chair) – 5 min.*

Next meeting date: Monday, October 30th at 5:30 p.m.

October 2nd agenda

- i. Updates and Announcements – 5 min.*

- j. Discussion of items for possible placement on future agenda – 5 min.*

11. CLOSED SESSION – Pursuant to California Government Code Section 54957(b)(1), the Board will also convene in closed session for a Public Employee Evaluation of Performance:

Title: General Counsel

12. ADJOURNMENT

COMMUNICATIONS DISCLAIMER:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

From: [1641Allston Way](#)
To: [Mueller, Aimee B.](#)
Subject: RENT BOARD MEETING PUBLIC COMMENT ITEM - October AGENDA
Date: Monday, September 25, 2023 12:59:19 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

My name is Parsa Shabani. I am a Berkeley resident and owner of a rental housing unit. Please include the following statement in the public record for the upcoming Board meeting.

The registration fee that the Board imposes, which now stands at \$290, is an order of magnitude higher than neighboring cities and has been increasing at an unreasonable pace. I would like to know where the Board stands on regularly publishing data on the use of its services in order to improve transparency and establish greater trust between the Board and the property owners and tenants who fund it. In my opinion, the extremely high cost of running this Board is starting to defeat its very purpose.

Best, Parsa Shabani



RENT STABILIZATION BOARD

Regular Meeting

Thursday, September 21, 2023 – 7:00 p.m.

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RENT STABILIZATION BOARD

Regular Meeting

Thursday, September 21, 2023

7:00 p.m.

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Minutes – *Unapproved*

Prior to roll call, General Counsel Brown announced that Commissioner Kelley asked to participate in the meeting remotely under the Emergency Circumstances provisions of the Brown Act due to illness, which requires an authorizing vote.

M/S/C (Alpert/Simon-Weisberg) AUTHORIZE UNANTICIPATED REMOTE PARTICIPATION FOR COMMISSIONER KELLEY UNDER CALIFORNIA GOVERNMENT CODE SECTION 54953(f)(2)(A)(ii). Roll call vote. YES: Alpert, Elgstrand, Johnson, Marrero, Martinac, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mizell. Carried: 7-0-0-1.*

*As the commissioner seeking approval for unanticipated remote participation, Commissioner Kelley was not included in the vote.

- 1. Roll call** – Chair Simon-Weisberg called the meeting to order at 7:06 p.m. Aimee Mueller called roll.
Commissioners present: Alpert, Elgstrand, Kelley (via Zoom), Johnson, Marrero, Martinac, Mizell (arrived at 7:11 p.m.), Walker, Simon-Weisberg
Staff present: Brown, Dahl, Eberhart, Ehlinger, Kim, Law, Mueller, Williams
- 2. Land Acknowledgment Statement:** The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun- (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.

The Land Acknowledgement Statement was played aloud.

3. Approval of Agenda

M/S/C (Alpert/Johnson) APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: CONTINUE THE DISCRETIONARY WAIVER CONTAINED IN ITEM 8.f., AND ITEM 9., TO A FUTURE MEETING. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Mizell. Carried: 8-0-0-1.

M/S/C (Simon-Weisberg/Marrero) MOTION TO RECONSIDER AND TO MAKE THE FOLLOWING ADDITIONAL CHANGE TO THE AGENDA: MOVE ITEM 7. TO ACTION. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

4. **Public Comment** – *non*-agendized items. Paola Laverde appreciated the Chair and Vice-Chair’s comments about a recent landlord event.
5. **Public Comment** – items on the agenda. Paola Laverde commented on the 2022 Tenant Survey report and thanked the Board and staff for their work to complete it.
6. **SPECIAL PRESENTATION: 2022 Berkeley Tenant Survey Summary Report** by Laura Gil-Trejo, Director, Social Science Research Center, CSU Fullerton

Rent Board staff Nathan Dahl and Moni Law introduced this item. Laura Gil-Trejo presented and took questions from the Board.

7. **SPECIAL PRESENTATION: State Legislative Report** by Brian Augusta, Public Interest Advocates – MOVED TO ACTION BY A PRIOR VOTE OF THE BOARD.
8. **CONSENT ITEMS**
 - a. Approval of the July 20th regular meeting minutes
 - b. Recommendation to adopt Resolution 23-23 authorizing the Executive Director to amend the existing contract with Goldfarb & Lipman, LLP to increase the contract by \$30,000 for a total not to exceed the amount of \$80,000 through June 30, 2024 (General Counsel)
 - c. Recommendation to adopt Resolution 23-24 authorizing the Executive Director to execute a contract with Ferdman Consulting for a total not to exceed the amount of \$30,000 through June 30, 2024 (Executive Director)
 - d. Recommendation to create the “Ad Hoc Committee to Consider Rent Ordinance Amendments at the 2024 November general election” (Chair Simon-Weisberg)
 - e. Recommendation to change the Ad Hoc Committee on Environmental Sustainability to a standing committee (Chair Simon-Weisberg)

- f. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

2916 NEWBURY
2801 COLLEGE
2443 WOOLSEY
1205 PERALTA
1601 CHANNING
2000 PRINCE ST
2137 PARKER

Discretionary Waivers

Waiver No. Property Address

W5087 2020 KITTREDGE

M/S/C (Alpert/Johnson) APPROVE ALL CONSENT ITEMS AS WRITTEN EXCEPT THE DISCRETIONARY WAIVER CONTAINED IN ITEM 8.f., WHICH WAS CONTINUED TO A FUTURE MEETING BY A PRIOR VOTE OF THE BOARD. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

9. **APPEAL** – **Case No. T-6014** (2425 Fulton Street, Unit 4): CONTINUED TO A FUTURE MEETING BY A PRIOR VOTE OF THE BOARD.

10. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

Public comment will also be heard prior to the Board’s vote on each action item listed below – There were no comments.

Item 7. was moved to Action by a prior vote of the Board.

Item 7: The Board’s Legislative Advocate, Brian Augusta, presented and took questions from the Board. No action was taken.

- a. Chair Update (Chair Simon-Weisberg) – No update.

11. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

ALL ITEMS BELOW WERE BRIEFLY MENTIONED OR DISCUSSED.

UNDERLINED ITEMS HAVE ADDITIONAL COMMENTS.

- a. Eviction Moratorium outreach update – *Verbal* (Public Information Unit Manager) – Nathan Dahl provided data on the total number of eviction notices and unlawful detainer lawsuits received by the Rent Board during the transition period of the moratorium, and data on the number of eviction notices and unlawful detainer lawsuits received by the Rent Board since the moratorium expired.
- b. Copy of August 28, 2023 final Eviction Moratorium mailing sent to Berkeley landlords, property managers and tenants (Public Information Unit Manager)
- c. Update on recent Rent Board outreach events – *Verbal* (Public Information Unit Manager)
- d. Presentation on Appeal Opinion and California Supreme Court Order denying review in *NCR Properties, LLC v. City of Berkeley et al.* (Legal Unit)
- e. August 22, 2023 *LAist.com* article by David Wagner titled, “As LA Evictions Rise, City Controller Releases Map Showing Where Renters Are Getting Pushed Out” (Chair Simon-Weisberg)
<https://laist.com/news/housing-homelessness/los-angeles-city-eviction-map-controller-mejia-data-housing-homelessness-landlord-renter>
- f. Date to submit agenda topics/items for October’s regular Rent Board meeting: **Friday, October 6th by 5:00 p.m.** (Board Secretary)

12. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair)
Next regularly-scheduled meeting: To Be Announced (TBA)
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – Committee Chair Elgstrand reported that the Committee rescheduled its meeting to September 26, and will discuss the Owner Move-In and Ellis Act reports.
Next regularly-scheduled meeting: TBA
- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Committee Chair Kelley reported that the Committee will consider the Annual General Adjustment increase and bring it to the Board’s October meeting.
Next regularly-scheduled meeting: Tuesday, October 3rd at 5:30 p.m.

July 24th agenda

- d. Outreach Committee (Vice-Chair Alpert, Chair) – Commissioner Kelley highlighted staff’s efforts to enhance client services.

Next regularly-scheduled meeting: Monday, October 16th at 6:00 p.m.

Sept. 11th agenda

- e. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – Chair Simon-Weisberg mentioned that the Committee will discuss the Demolition Ordinance.

(Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)

Next regularly-scheduled meeting: Wednesday, Sept. 27th at 3:00 p.m.

- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA) – Commissioner Marrero reported that the Committee is working on a targeted plan of collaboration and implementation around mutual issues.

Next meeting date: Monday, Sept. 25th at 5:30 p.m.

- g. Ad Hoc Committee on Environmental Sustainability (Commissioner Martinac, Chair) – Committee Chair Martinac reported on the Committee’s discussions including the possibility of working with landlords who pay for gas and/or electricity for their buildings to encourage sustainability measures.

Next meeting date: TBA

Sept. 6th agenda

- h. Updates and Announcements – The Chair announced that the Regular Board Meeting scheduled for October 19, 2023 will likely be rescheduled for October 23, 2023. Commissioner Alpert reported that the General Counsel and several commissioners attended the Local Progress Convention in St. Louis. Commissioner Marrero announced she’s been appointed to the Regional Advisory Committee of the West and invited stakeholders to speak with her about educational resource needs.

- i. Discussion of items for possible placement on future agenda – Commissioner Kelley mentioned his intention to draft a letter for the Board’s consideration regarding eviction notices served by Satellite Affordable Housing Associates.

13. ADJOURNMENT

M/S/C (Elgstrand/Marrero) ADJOURN THE MEETING. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 9-0-0-0.

The meeting adjourned at 10:20 p.m.



Rent Stabilization Board

DATE: October 23, 2023

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Chair Simon-Weisberg

SUBJECT: Request for stipend deduction reimbursement for Vice Chair Alpert for missed committee meeting

Vice Chair Alpert was absent from the Outreach Committee meeting on September 11, 2023 due to illness. I am requesting that the Board authorize staff to restore the corresponding amount previously deducted from his stipend for this absence.

Thank you.



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: October 23, 2023

TO: Honorable Members of the Rent Stabilization Board

FROM: DéSeana Williams, Executive Director

BY: Amanda Eberhart, Registration Unit Manager

SUBJECT: Request for waiver of late registration penalties

Recommendation:

That the Board approves the attached recommendations.

Background and Need for Rent Stabilization Board Action:

The Board's penalty waiver process is governed by Regulations 883, 884, and 885. Regulation 883 lists the grounds for administrative waivers. In accordance with Regulation 884, the Executive Director reviews waiver requests that do not meet the criteria for an administrative waiver. Regulation 884 lists 12 categories, which will require a review of the totality of the circumstances by the full Board prior to granting any waiver request. Waivers that require a review of the totality of the circumstances are listed below as a "Discretionary Waiver." If none of the 12 listed categories apply to the property, the waiver shall be granted/denied in a ministerial manner based upon the formula outlined in Regulation 884(C). The Board may only alter these ministerial waivers if the staff has incorrectly applied the criteria listed in Regulation 884 (B) (1-12).

Ministerial Waivers

In accordance with Regulation 884, the Executive Director reviews waiver requests that do not meet the criteria enumerated in Regulation 883. The following waiver request will be decided Ministerially unless the Board has reason to believe the underlying basis of the recommended assessment is inappropriate. Please see the attached Ministerial Waiver Analysis and Recommendation for additional details.

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
	1109 THE ALAMEDA	REDACT	500.00	250.00	250.00
	2223 WARD	RICHARD STERLING	1,500.00	600.00	900.00
	1522 HARMON	SAM MERRY	668.00	668.00	
	2231 SHATTUCK	AMHERST VENTURES LLC	439.00	-	439.00
	2330 HASTE	BOUNTIFUL SUPPLY INC.	231.00		231.00
	1014 MARIPOSA	JONAS DUKE	300.00	240.00	60.00
	2228 MCKINLEY	YI LI	1,302.00	846.30	455.70
	1825 ASHBY	CINDY KUNG	600.00	600.00	
	1818 SONOMA	JESSICA & JON SPANOS	278.00	139.00	139.00
	2615 TELEGRAPH #301	LI LIN HUANG	300.00	240.00	60.00
	2512 9TH ST	MARK WHOLEY	600.00	480.00	120.00
	1422 OXFORD	OISIN LEWIS	1,168.00	584.00	584.00
	1767 EUCLID #1	NICK PAL	600.00	480.00	120.00
	66 POPPY LANE	DEREK TUGGLE	600.00	480.00	120.00
	1561 EUCLID #3	ELIZABETH WANG	450.00		450.00
	2705 WALKER	OWEN THOMAS	300.00	300.00	
	856 THE ALAMEDA	WILLIAM CHEN	3,674.00	1,837.00	1,837.00
TOTAL			13,510.00	7,744.30	5,765.70

Financial Impact: Ministerial Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$7,744.30**.

Discretionary Waivers

Staff recommendations are attached and presented to the full Board for approval for the waiver requests listed below. With respect to these cases, the determination of good cause to waive some or all of the penalties depends on the totality of the circumstances.

Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
W5088	3053 DOHR	SG REAL ESTATE	4,000.00		4,000.00
W5089	2122 DWIGHT	SG REAL ESTATE	6,000.00		6,000.00
W5090	2043-2045 EMERSON	JEANNETTE DISNEY	4,962.00	4,962.00	
W5091	1237 RUSSELL	JEANNETTE DISNEY	9,000.00	9,000.00	
W5092	2315 -2315A ASHBY	SERGEI SHKURKIN, TRUSTEE	3,000.00		3,000.00
TOTAL			26,962.00	13,962.00	13,000.00

Financial Impact: Discretionary Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$13, 962.00**.

Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director
 Rent Stabilization Board
 2125 Milvia Street, Berkeley, CA 94704
 (510) 981-7368

October Ministerial Waivers

Address	Details
1109 THE ALAMEDA	<p>The single-family home located at 1109 The Alameda has been owned by the current beneficiaries since 2002. In the last five fiscal years, this property has received one automatic administrative waiver which removed 100% of the penalty and the 19/20 registration cycle. The beneficiary states in their waiver that, “the probate process for the property was not resolved until 2021 and the beneficiaries were unaware of the details of the trust including the registration requirement”. Additionally, Rent Board Records will also show the billing code “TRUJUN” was listed under the 22/23 collections project for properties with unpaid registration fees (Please see attached collections letter and bill). During the collections project, the Registration Unit offered to waive 50% of the penalties so that properties could be in compliance with the Registration Requirement of the Rent Ordinance. Unfortunately, the beneficiary did not want to take the settlement offer then. Per regulation 883 J, properties that have been identified for Collections are offered the same settlement waiver with the Board. This property qualifies to have 50% of the penalty waived. Staff recommends waiving 50% of the penalty.</p>
2223 WARD	<p>The Triplex located at 2223 Ward has been owned by the current owner since 2008. In the last five fiscal years, the property owner has paid the registration fee late in the 18/19, 20/21, 21/22, and 22/23 cycles. The property owner states in their waiver that the billing statement was sent to the old property manager and did not officially see the registration notice until February 2023”. A search of Rent Board Records will also show that billing code “STER11” was listed under the 22/23 collections project for properties with unpaid registration fees (Please see attached collections letter and bill). During the collections project, the Registration Unit offered to waive 50% of the penalties so that properties could be in compliance with the Registration Requirement of the Rent Ordinance. Unfortunately, the property owner did not want to take the settlement offer then. Additionally, this property’s waiver also falls under Regulation 884 C, which forgives 40% of the penalties based on the property’s four late registration payments in the last five years. Per regulation 884 C, this property qualifies to have 40% of the penalty waived. Staff recommends waiving 40% of the penalty.</p>
1522 HARMON	<p>The three-unit residential property located at 1522 Harmon has been owned by the current owner since 2022. The property owner states in their waiver that they did not own the property prior to the July 1st deadline. Per Regulation 833 I, this waiver falls under the New Owner category and qualifies to have 100% of their penalties removed as the property contains 1 to 2 rental units and was registered within the first 12 months of the new ownership. Staff recommends waiving 100% of the penalty.</p>

October Ministerial Waivers

<p>2231 SHATTUCK</p>	<p>The 30-unit multi-residential property located at 2231 Shattuck has been owned by the current owner since 2020. The property owner states in their waiver that, “the number of exemptions was listed at 3 when it should have been 2. The third unit was section 8 and exempt.” The owner also stated in their waiver that, “they neglected to correct the information and the Rent Board never notified the owner of the mistake.” Unfortunately, the Rent Ordinance states property owners are required to notify the Rent Board of any change in the status of the property within 60 days. A search of Rent Board records will show unit 328 has been exempt from the registration requirement of the ordinance since 2009. The property owner updated the unit status with the rent Board in December of 2022. At that time the property owner informed the Rent Board that the tenant began their tenancy in October of 2021. The property owner was charged a \$250 penalty fee for late registration of the 22/23 registration cycle and a \$189 pro-rated penalty fee for the 21/22 cycle. Regrettably, the penalties assessed to the account are accurate. Please note, that the property owner paid the outstanding penalties in June 2023, and the account is now in compliance with the registration requirement of the ordinance. Staff recommends denying the penalty waiver.</p>
<p>2330 HASTE</p>	<p>The 23-unit multi-residential property located at 2330 Haste has been owned by the current owner since 1990. The property owner states in their waiver that, “they never received the pro-rated invoice for the VR submitted. A search of Rent Board records will show that the Registration Unit received a VR for unit 306 that was signed and dated 11/16/2022. It was date-stamped by Registration admins on the 21st and entered into the Rent Registry on 11/22/22. Per the Rent Ordinance property owners have 60 days to pay any pro-rated registration fees without incurring a penalty. The property owner should have been given until January 22, 2023, before a penalty was assessed on the account. Unfortunately, there was an error in the Rent Registry platform, that incorrectly added this property to the list of properties receiving second penalties on January 2nd, for non-response and non-payment of 22/23 registration fees. The property was incorrectly sent a past-due notice for both pro-rated registration fees and penalties instead of a bill for just the registration fees. Per regulation 883 G, this property qualifies to have 100% of the penalties waived due to staff billing errors. Staff recommends waiving 100% of the penalty.</p>
<p>1014 MARIPOSA</p>	<p>The single-family home located at 1014 Mariposa has been owned by the current owner since 2019. In the last five fiscal years, the property owner has paid the registration fee late in the 21/22 and 22/23 cycles. The property owner states in their waiver that, “they did not receive the billing statement. A search of Rent Board records will show this property registered for the first time on October 19, 2021. At that time, staff updated the contact information for the property. To date, the contact information has not changed for the property. Per regulation 884 C, this property qualifies to have 80% of the penalties waived based on two late payments in the last five fiscal years. Staff recommends waiving 80% of the penalties.</p>

October Ministerial Waivers

<p>2228 MCKINLEY</p>	<p>The multi-residential property located at 2228 Mckinley has been owned by the current owner since 2021. The owner states in their waiver that they purchased this property in December 2021. They also state that they reached out to the City of Berkeley and were told to contact the “Rent Control Board located next door”. The owner states in their waiver that, “it seems the Rent Building was closed during the Covid 19 timeframe”. Unfortunately, that is not the case. The Rent Board had reduced service hours during the pandemic but was open 4 days a week for the public to conduct business. Per regulation 883 I this waiver falls under the New Owner category and qualifies to have 65% of their penalties removed as the property contains 5 to 10 rental units, and was registered within 12 to 24 months of the new ownership. Staff recommends waiving 65% of the penalty.</p>
<p>1825 ASHBY</p>	<p>The single-family home located at 1825 Ashby is a partially covered property and has been owned by the current owner since 2009. The daughter of the owner states in their waiver that the Registration documents were addressed to “Berkeley Property Owner” instead of the property owner’s name. Unfortunately, the primary owner does not speak English. When her daughter found the documentation, she contacted the Rent Board, paid the outstanding registration fees, and brought the property into compliance. A search of Rent Board records will show, that no additional late payments have been received for this property. Per regulation 883 C this property qualifies to have 100% of its penalties waived as the billing address was not correct on the registration statements. Staff recommends waiving 100% of the penalty.</p>
<p>1818 SONOMA</p>	<p>The single-family home located at 1818 Sonoma has been owned by the current owner since 2016. In the last five fiscal years, this property has paid the registration fee late in both the 21/22 and 22/23 registration cycles. The owner states in their waiver that, “they refinanced the house and the title company changed their address”. A search of rent Board records will show, this property added contact information to the Rent Registry Portal on 10/27/2021. The address listed in the Rent Registry has not changed since 2021 and is the same on the waiver form the owner submitted. Additionally, Rent Board Records will also show the billing code “SPAJES1” was listed under the 22/23 collections project for properties with unpaid registration fees (Please see attached collections letter and bill). During the collections project, the Registration Unit offered to waive 50% of the penalties so that properties could be in compliance with the Registration Requirement of the Rent Ordinance. Unfortunately, the owner did not want to take the settlement offer at that time. Per regulation 883 J, properties that have been identified for Collections are offered the same settlement waiver with the Board. This property qualifies to have 50% of the penalty waived. Staff recommends waiving 50% of the penalty.</p>
<p>2615 TELEGRAPH #301</p>	<p>The Condo located at 2615 Telegraph is a partially covered unit that has been owned by the current owner since 2014. The property owner states in their waiver that, “they paid their registration fees and then realized there were prior fees”. A search of Rent Board records will show this property failed to register by the Measure MM deadline for the 21/22 registration cycle. The property registered with the Rent Board in March of 2023. Unfortunately, the timing of the registration meant the property would incur two 100% penalties for the 22/23 registration cycle. Per regulation 884 C, this property qualifies to have 80% of the penalties waived for two late payments in the last five fiscal years. Staff recommends waiving 80% of the penalties.</p>

October Ministerial Waivers

2512 9th st	<p>The Condo located at 2512 9th #6 is a partially covered unit that has been owned by the current owner since 1982. The property owner states in their waiver that, “they did not know they needed to register their loft and to their knowledge, no notice was ever sent”. A search of Rent Board records will show this property failed to register by the Measure MM deadline for the 21/22 registration cycle. The property registered with the Rent Board in March of 2023. Unfortunately, the timing of the registration meant the property would incur two 100% penalties for the 22/23 registration cycle. Per regulation 884 C, this property qualifies to have 80% of the penalties waived for two late payments in the last five fiscal years. Staff recommends waiving 80% of the penalties.</p>
1422 OXFORD	<p>The duplex located at 1422 Oxford is a fully covered unit that has been owned by the current owner since 2016. Unfortunately, there are not five years of payment history to review for this property because they registered for the first time in February 2023. The owner's son states in their waiver that, “they attempted to pay online but had technical difficulties”. They also stated that they called and never heard back. Staff notes in the 22/23 registration cycle the Board offered a Covid Waiver and an Administrative Correction Waiver for properties that were impacted by the initial rollout of the Rent Registry Platform. At this time, it is unclear why the property owner did not take advantage of those opportunities to remove penalty fees on the account. Additionally, Rent Board Records will also show the billing code “LEWOIS” was listed under the 22/23 collections project for properties with unpaid registration fees (Please see attached collections letter and bill). During the collections project, the Registration Unit offered to waive 50% of the penalties so that properties could comply with the Registration Requirement of the Rent Ordinance. Unfortunately, the owner did not want to take the settlement offer at that time. Per regulation 883 J, properties that have been identified for Collections are offered the same settlement waiver with the Board. This property qualifies to have 50% of the penalty waived. Staff recommends waiving 50% of the penalty.</p>
1767 EUCLID #1	<p>The Condo located at 1767 Euclid #1 is a partially covered unit that has been owned by the current owner since 1993. The Attorney for the property states in their waiver that, “the owner lives in Sunnyvale and was not aware of the registration requirement. Once he was made aware he registered and paid the fee”. A search of the Rent Board Historical Database will show registered tenancies that date back to July 1999. Also, the address in the historical database matches the address on the waiver letter and is the same address in our current Rent Registry Portal. Additionally, a search of Rent Board records will show this property failed to register by the Measure MM deadline for the 21/22 registration cycle. The property registered with the Rent Board in February of 2023. Unfortunately, the timing of the registration meant the property would incur two 100% penalties for the 22/23 registration cycle. Per regulation 884 C, this property qualifies to have 80% of the penalties waived for two late payments in the last five fiscal years. Staff recommends waiving 80% of the penalties</p>

October Ministerial Waivers

<p>66 Poppy Lane</p>	<p>The single-family home located at 66 Poppy Lane is a partially covered unit that has been owned by the current owner since 2019. The manager of the trust states in their waiver that, “the notices were sent to a previous address and the past notices were not forwarded”. A search of Rent Board records will show this property failed to register by the Measure MM deadline for the 21/22 registration cycle. The property registered for the first time with the Rent Board in April of 2023. Unfortunately, the timing of the registration meant the property would incur two 100% penalties for the 22/23 registration cycle. Per regulation 884 C, this property qualifies to have 80% of the penalties waived for two late payments in the last five fiscal years. Staff recommends waiving 80% of the penalties.</p>
<p>1561 EUCLID #3</p>	<p>The Property at 1561 Euclid #3 is fully covered by the Rent Ordinance. Unfortunately, due to the owner's timing of the purchase, they the notifications regarding registering the property during the 22/23 Registration cycle. The new owner registered and paid the current registration fees in March of 2023. Per regulation 883 I this waiver qualifies as a new owner waiver because the property has one unit, completed registration for this property for the 22-23 registration cycle after 12 months of ownership but before the end of 24 months; and qualifies to have 100% of their penalties removed by the Executive Director under regulation 883 I. Staff recommends waiving 100% of the penalties.</p>
<p>2705 WALKER</p>	<p>The single-family home located at 2705 Walker is a partially covered unit that has been owned by the current owner since 2013. The property manager states in their waiver that, “they tried to add the property to our online profile, but the portal is claiming the property is already added. When we review our portal the property is not there”. A search of Rent Board records will show this property has already been claimed by the primary property owner. The Rent Registry Portal only allows one email address to claim a property. Per regulation 884 C, this property qualifies to have 100% of the penalties waived for one late payment in the last five fiscal years. Staff recommends waiving 100% of the penalties.</p>
<p>856 THE ALAMEDA</p>	<p>The single-family home located at 856 The Alameda has been owned by the current owner since 2005. In the last five fiscal years, this property has paid the registration fee late in both the 21/22 and 22/23 registration cycles. The owner states in their waiver that, “they were confused by the bills they received which did not provide a consistent view”. Unfortunately, staff is unclear what is meant by this statement. A search of rent Board records will show, that in the 21/22 registration cycle, the property owner was charged \$3,674 in pro-rated fees and penalties for the addition of two new units on the property. Additionally, Rent Board Records will also show the billing code “CHEDAV” was listed under the 22/23 collections project for properties with an outstanding balance with the Rent Board (Please see attached collections letter and bill). During the collections project, the Registration Unit offered to waive 50% of the penalties so that properties could comply with the Registration Requirement of the Rent Ordinance. Unfortunately, the owner did not want to take the settlement offer at that time. Per regulation 883 J, properties that have been identified for Collections are offered the same settlement waiver with the Board. This property qualifies to have 50% of the penalty waived. Staff recommends waiving 50% of the penalty.</p>



March 6, 2023

Re: Past Due Registration Fees/Penalties

Current or Former Property Owner:

As the owner of a residential rental property that appears to be covered by the local rent control Ordinance, **your property is delinquent, and an outstanding balance is due.**

Enclosed you will find a registration bill and other materials pertaining to your property. The bill reflects outstanding registration fees and/or currently owed penalties. Our office has recently begun the process for collection proceedings for failure to pay past registration fees and/or penalties on the rental units at your property address.

We would appreciate your assistance in resolving this matter as soon as possible. As of today, you have yet to respond to our bills, notices of nonpayment, and/or other correspondence regarding your account. If we do not hear from you **by March 31, 2023**, we will file a lawsuit with the court to collect the monies due to the Rent Board.

Please note that the subject of this letter and the collection proceedings mentioned only refer to past years' registration fees and/or penalties and not to the upcoming 2023/2024 registration fee that will be due July 1, 2023.

Please be advised that landlords of units not in compliance with the registration requirements of the City of Berkeley's Rent Ordinance are not allowed to take the Annual General Adjustment (AGA) rent increases or initiate any eviction proceedings against a tenant. In addition, tenants in units that are out of compliance may initiate a petition to withhold rent based on the landlord's noncompliance with the Ordinance.

If you wish to settle your account or believe that you do not owe any money to our Agency, please contact the Registration Unit at 510-981-7368, Ext. 2 or at rentregistry@cityofberkeley.info.

Sincerely,

DéSeana Williams
Executive Director

Enclosures

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

TRUJUN

DUE DATE

07/01/2022

JUNE ROSE GEE TRUST
1109 THE ALAMEDA
BERKELEY, CA 94707

ASSESSOR PARCEL NUMBER : 0612573014

PIN : 372593

PROPERTY ADDRESS : 1109 THE ALAMEDA BERKELEY CA 94707

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	1	\$ 250.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	1	\$ 0.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

This bill is past due. If payment is not made by the due date, a penalty will be assessed.

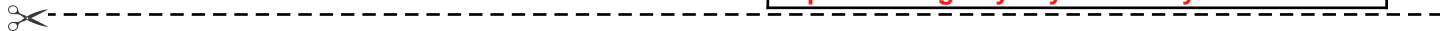
Current Fees	\$250.00
Previous Fees	\$0.00
Penalties	\$500.00
Total Due	\$750.00

REQUIRED ACTION

Property owners may pay the amount on this billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.

If you wish to pay with a credit card you may do so in person at our office or online at:

<https://rentregistry.cityofberkeley.info>



Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS : 1109 THE ALAMEDA BERKELEY CA 94707
APN : 0612573014
BILLING CONTACT: JUNE ROSE GEE TRUST
CURRENT FEES : \$250.00
PREVIOUS FEES: \$0.00
PENALTIES : \$500.00
TOTAL DUE : \$750.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

1109 THE
03/03/2023

UNIT STATUS: 2 UNITS 1 EXEMPT

CHANGE OF ADDRESS:

JUNE ROSE GEE TRUST
1109 THE ALAMEDA
BERKELEY, CA 94707

JUNE ROSE GEE TRUST
1109 THE ALAMEDA
BERKELEY, CA 94707

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
1109 THE ALAMEDA	N/A	NAR	08/06/2016	08/06/2016
1109 THE ALAMEDA	REAR	RENTED	08/01/2018	08/01/2018

The 'Status Last Changed' indicates when the status of the unit last changed not necessarily the beginning of the current tenancy. Please make corrections to information directly on this form. If you make changes, return this form with your payment. If a unit listed here as exempt is now rented, a pro-rated registration fee is due. Please contact our Registration Unit at 510-981-7368 (981-Rent) for calculation of additional amount due.

I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____



March 6, 2023

Re: Past Due Registration Fees/Penalties

Current or Former Property Owner:

As the owner of a residential rental property that appears to be covered by the local rent control Ordinance, **your property is delinquent, and an outstanding balance is due.**

Enclosed you will find a registration bill and other materials pertaining to your property. The bill reflects outstanding registration fees and/or currently owed penalties. Our office has recently begun the process for collection proceedings for failure to pay past registration fees and/or penalties on the rental units at your property address.

We would appreciate your assistance in resolving this matter as soon as possible. As of today, you have yet to respond to our bills, notices of nonpayment, and/or other correspondence regarding your account. If we do not hear from you **by March 31, 2023**, we will file a lawsuit with the court to collect the monies due to the Rent Board.

Please note that the subject of this letter and the collection proceedings mentioned only refer to past years' registration fees and/or penalties and not to the upcoming 2023/2024 registration fee that will be due July 1, 2023.

Please be advised that landlords of units not in compliance with the registration requirements of the City of Berkeley's Rent Ordinance are not allowed to take the Annual General Adjustment (AGA) rent increases or initiate any eviction proceedings against a tenant. In addition, tenants in units that are out of compliance may initiate a petition to withhold rent based on the landlord's noncompliance with the Ordinance.

If you wish to settle your account or believe that you do not owe any money to our Agency, please contact the Registration Unit at 510-981-7368, Ext. 2 or at rentregistry@cityofberkeley.info.

Sincerely,

DéSeana Williams
Executive Director

Enclosures

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

STERI1

DUE DATE

07/01/2022

RICHARD STERLING
2223 WARD ST
BERKELEY, CA 94705

ASSESSOR PARCEL NUMBER : 054171801300 PIN : 621546
PROPERTY ADDRESS : 2223 WARD ST BERKELEY CA 94705

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	2	\$ 500.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	1	\$ 0.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

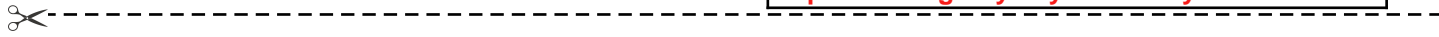
Current Fees	\$500.00
Previous Fees	\$0.00
Penalties	\$1,500.00
Total Due	\$2,000.00

This bill is past due. If payment is not made by the due date, a penalty will be assessed.

REQUIRED ACTION

Property owners may pay the amount on this billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.

If you wish to pay with a credit card you may do so in person at our office or online at:
<https://rentregistry.cityofberkeley.info>



Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS : 2223 WARD ST BERKELEY CA 94705
APN : 054171801300
BILLING CONTACT: RICHARD STERLING
CURRENT FEES : \$500.00
PREVIOUS FEES: \$0.00
PENALTIES : \$1,500.00
TOTAL DUE : \$2,000.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

2223 WARD ST

03/03/2023

RICHARD STERLING

2223 WARD ST
BERKELEY, CA 94705

RICHARD STERLING

2223 WARD ST
BERKELEY, CA 94705

UNIT STATUS: 3 UNITS 1 EXEMPT

CHANGE OF ADDRESS:

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
2223 WARD ST BERKELEY CA	A	RENTED	07/11/2012	06/02/2014
2223 WARD ST BERKELEY CA	B	RENTED	07/20/2011	07/20/2011
2223 WARD ST BERKELEY CA	NA	OCC	06/01/2009	05/31/1980

The 'Status Last Changed' indicates when the status of the unit last changed not necessarily the beginning of the current tenancy. Please make corrections to information directly on this form. If you make changes, return this form with your payment. If a unit listed here as exempt is now rented, a pro-rated registration fee is due. Please contact our Registration Unit at 510-981-7368 (981-Rent) for calculation of additional amount due.

I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____



March 6, 2023

Re: Past Due Registration Fees/Penalties

Current or Former Property Owner:

As the owner of a residential rental property that appears to be covered by the local rent control Ordinance, **your property is delinquent, and an outstanding balance is due.**

Enclosed you will find a registration bill and other materials pertaining to your property. The bill reflects outstanding registration fees and/or currently owed penalties. Our office has recently begun the process for collection proceedings for failure to pay past registration fees and/or penalties on the rental units at your property address.

We would appreciate your assistance in resolving this matter as soon as possible. As of today, you have yet to respond to our bills, notices of nonpayment, and/or other correspondence regarding your account. If we do not hear from you **by March 31, 2023**, we will file a lawsuit with the court to collect the monies due to the Rent Board.

Please note that the subject of this letter and the collection proceedings mentioned only refer to past years' registration fees and/or penalties and not to the upcoming 2023/2024 registration fee that will be due July 1, 2023.

Please be advised that landlords of units not in compliance with the registration requirements of the City of Berkeley's Rent Ordinance are not allowed to take the Annual General Adjustment (AGA) rent increases or initiate any eviction proceedings against a tenant. In addition, tenants in units that are out of compliance may initiate a petition to withhold rent based on the landlord's noncompliance with the Ordinance.

If you wish to settle your account or believe that you do not owe any money to our Agency, please contact the Registration Unit at 510-981-7368, Ext. 2 or at rentregistry@cityofberkeley.info.

Sincerely,

DéSeana Williams
Executive Director

Enclosures

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

SPAJES1

DUE DATE

07/01/2022

JESSICA & JON Spanos
2802 Northeast 9th Avenue
Portland, OR 97212

ASSESSOR PARCEL NUMBER : 061260602500 **PIN :** 233199
PROPERTY ADDRESS : 1818 SONOMA AVE BERKELEY CA 94707

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	0	\$ 0.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	1	\$ 150.00
Exempt Units	\$ 0.00	0	\$ 0.00
Current Fees			\$150.00
Previous Fees			\$0.00
Penalties			\$300.00
Total Due			\$450.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

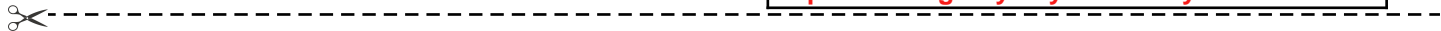
This bill is past due. If payment is not made by the due date, a penalty will be assessed.

REQUIRED ACTION

Property owners may pay the amount on this billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.

If you wish to pay with a credit card you may do so in person at our office or online at:

<https://rentregistry.cityofberkeley.info>



Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS : 1818 SONOMA AVE BERKELEY CA 94707
APN : 061260602500
BILLING CONTACT: JESSICA & JON Spanos
CURRENT FEES : \$150.00
PREVIOUS FEES: \$0.00
PENALTIES : \$300.00
TOTAL DUE : \$450.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

1818 SONOMA AVE

01/06/2023

JESSICA & JON Spanos
2802 Northeast 9th Avenue
Portland, OR 97212

JESSICA & JON Spanos
2802 Northeast 9th Avenue
Portland, OR 97212

UNIT STATUS: 1 UNITS 0 EXEMPT

CHANGE OF ADDRESS:

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
1818 SONOMA AVE BERKELEY CA	N/A	CHSFD	N/A	N/A

The 'Status Last Changed' indicates when the status of the unit last changed not necessarily the beginning of the current tenancy. Please make corrections to information directly on this form. If you make changes, return this form with your payment. If a unit listed here as exempt is now rented, a pro-rated registration fee is due. Please contact our Registration Unit at 510-981-7368 (981-Rent) for calculation of additional amount due.

I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____



March 6, 2023

Re: Past Due Registration Fees/Penalties

Current or Former Property Owner:

As the owner of a residential rental property that appears to be covered by the local rent control Ordinance, **your property is delinquent, and an outstanding balance is due.**

Enclosed you will find a registration bill and other materials pertaining to your property. The bill reflects outstanding registration fees and/or currently owed penalties. Our office has recently begun the process for collection proceedings for failure to pay past registration fees and/or penalties on the rental units at your property address.

We would appreciate your assistance in resolving this matter as soon as possible. As of today, you have yet to respond to our bills, notices of nonpayment, and/or other correspondence regarding your account. If we do not hear from you **by March 31, 2023**, we will file a lawsuit with the court to collect the monies due to the Rent Board.

Please note that the subject of this letter and the collection proceedings mentioned only refer to past years' registration fees and/or penalties and not to the upcoming 2023/2024 registration fee that will be due July 1, 2023.

Please be advised that landlords of units not in compliance with the registration requirements of the City of Berkeley's Rent Ordinance are not allowed to take the Annual General Adjustment (AGA) rent increases or initiate any eviction proceedings against a tenant. In addition, tenants in units that are out of compliance may initiate a petition to withhold rent based on the landlord's noncompliance with the Ordinance.

If you wish to settle your account or believe that you do not owe any money to our Agency, please contact the Registration Unit at 510-981-7368, Ext. 2 or at rentregistry@cityofberkeley.info.

Sincerely,

DéSeana Williams
Executive Director

Enclosures

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

LEWOIS

DUE DATE

07/01/2022

OISIN LEWIS
228 CONNECTICUT ST
SAN FRANCISCO, CA 94107

ASSESSOR PARCEL NUMBER : 059225800900 **PIN :** 979316
PROPERTY ADDRESS : 1422 OXFORD ST, BERKELEY, CA 94709

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	1	\$ 250.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	0	\$ 0.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

This bill is past due. If payment is not made by the due date, a penalty will be assessed.

Current Fees	\$250.00
Previous Fees	\$189.00
Penalties	\$878.00
Total Due	\$1,317.00

REQUIRED ACTION

Property owners may pay the amount on this billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.

If you wish to pay with a credit card you may do so in person at our office or online at:

<https://rentregistry.cityofberkeley.info>



Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS : 1422 OXFORD ST, BERKELEY, CA 94709
APN : 059225800900
BILLING CONTACT: OISIN LEWIS
CURRENT FEES : \$250.00
PREVIOUS FEES: \$189.00
PENALTIES : \$878.00
TOTAL DUE : \$1,317.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

1422 OXFORD ST,
01/06/2023

OISIN LEWIS
228 CONNECTICUT ST
SAN FRANCISCO, CA 94107

SUZANNE STEWART
1442 A WALNUT ST 331
BERKELEY, CA 94709

UNIT STATUS: 1 UNITS 0 EXEMPT

CHANGE OF ADDRESS:

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
1422 OXFORD ST, BERKELEY, CA	N/A	RENTED	12/05/2022	10/01/2021

The 'Status Last Changed' indicates when the status of the unit last changed not necessarily the beginning of the current tenancy. Please make corrections to information directly on this form. If you make changes, return this form with your payment. If a unit listed here as exempt is now rented, a pro-rated registration fee is due. Please contact our Registration Unit at 510-981-7368 (981-Rent) for calculation of additional amount due.

I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____



March 6, 2023

Re: Past Due Registration Fees/Penalties

Current or Former Property Owner:

As the owner of a residential rental property that appears to be covered by the local rent control Ordinance, **your property is delinquent, and an outstanding balance is due.**

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Sincerely,

DéSeana Williams
Executive Director

Enclosures

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

CHEDAV

DUE DATE

07/01/2022

DAVID CHEN
390 N WINCHESTER BLVD 12B
SANTA CLARA, CA 95050

ASSESSOR PARCEL NUMBER : 061260203100 **PIN :** 550906
PROPERTY ADDRESS : 856 THE ALAMEDA BERKELEY CA 94707

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	2	\$ 500.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	1	\$ 150.00
Exempt Units	\$ 0.00	0	\$ 0.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

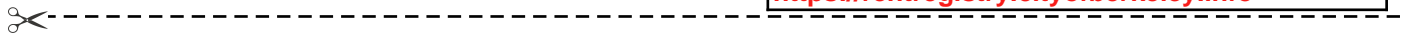
This bill is past due. If payment is not made by the due date, a penalty will be assessed.

Current Fees	\$650.00
Previous Fees	\$1,481.00
Penalties	\$6,455.00
Total Due	\$8,586.00

REQUIRED ACTION

Property owners may pay the amount on this billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.

If you wish to pay with a credit card you may do so in person at our office or online at:
<https://rentregistry.cityofberkeley.info>



Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS :	856 THE ALAMEDA BERKELEY CA 94707
APN :	061260203100
BILLING CONTACT:	DAVID CHEN
CURRENT FEES :	\$650.00
PREVIOUS FEES:	\$1,481.00
PENALTIES :	\$6,455.00
TOTAL DUE :	\$8,586.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

856 THE ALAMEDA

01/06/2023

DAVID CHEN

390 N WINCHESTER BLVD 12B
SANTA CLARA, CA 95050

CHEN LIVING TRUST

390 N WINCHESTER BLVD 12B
SANTA CLARA, CA 95050

UNIT STATUS: 3 UNITS 0 EXEMPT

CHANGE OF ADDRESS:

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
856 THE ALAMEDA BERKELEY CA	IN-LAW	RENTED	06/21/2021	02/01/2020
856 THE ALAMEDA BERKELEY CA	N/A	CHSFD	04/15/2021	08/01/2019
856 THE ALAMEDA BERKELEY CA	NA	RENTED	06/21/2021	02/02/2020

The 'Status Last Changed' indicates when the status of the unit last changed not necessarily the beginning of the current tenancy. Please make corrections to information directly on this form. If you make changes, return this form with your payment. If a unit listed here as exempt is now rented, a pro-rated registration fee is due. Please contact our Registration Unit at 510-981-7368 (981-Rent) for calculation of additional amount due.

I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5088	Property address: 3053 DOHR ST BERKELEY	Transferred: 02/26/1976
Exempt units (as of February 2021): None		
Owner(s): VALUES INC . INVESTMENT	Waiver filed by: PROPERTY MANAGER	# of Units: 8
Other Berkeley rental property owned: 2205 BLAKE ST BERKELEY CA 94704, 1538 63RD ST BERKELEY CA 94703, 2225 BLAKE ST BERKELEY CA 94704, 2204 DWIGHT WAY BERKELEY CA 94704, 1176 UNIVERSITY AVE BERKELEY CA 94702, 1820 SPRUCE ST BERKELEY CA 94709, 2418 DWIGHT WAY BERKELEY CA 94704, 1225 ASHBY AVE BERKELEY CA 94702, 1534 HARMON ST BERKELEY CA 94703, 1327 MILVIA ST BERKELEY CA 94709, 3105 TELEGRAPH AVE BERKELEY CA 94705, 1128 BANCROFT WAY BERKELEY CA 94702, 2820 FULTON ST BERKELEY CA 94705, 1321 SPRUCE ST BERKELEY CA 94709, 1130 BANCROFT WAY BERKELEY CA 94702, 2122 DWIGHT WAY BERKELEY CA 94704, 2313 9TH ST BERKELEY CA 94710, 2013 2ND ST, BERKELEY, CA 94710, 2503 HASTE ST, BERKELEY, CA 94704, 2601 DANA ST C, BERKELEY, CA 94704, 2401 WARRING ST BERKELEY CA 94704, 1812 UNIVERSITY AVE BERKELEY CA 94703, 2508 CHANNING WAY, BERKELEY, CA 94704, 1173 HEARST AVE BERKELEY CA 94702, 2486 CHANNING WAY BERKELEY CA 94704, 2524 DWIGHT WAY, BERKELEY, CA 94704, 1949 MLK JR WAY BERKELEY CA 94704, 2233 CHANNING WAY BERKELEY CA 94704, 2023 CHANNING WAY BERKELEY CA 94704, 2489 MLK JR WAY BERKELEY CA 94704, 1609 STUART ST BERKELEY CA 94703, 1509 HEARST AVE BERKELEY CA 94703, 2430 FULTON ST BERKELEY CA 94704, 1896 ALCATRAZ AVE BERKELEY CA 94703, 2217 CHANNING WAY BERKELEY CA 94704, 2339 OREGON ST BERKELEY CA 94705, 1212 NEILSON ST BERKELEY CA 94706, 1898 ALCATRAZ AVE BERKELEY CA 94703, 1301 HEARST AVE BERKELEY CA 94702, 1157 HEARST AVE BERKELEY CA 94702, 1615 PARKER ST BERKELEY CA 94703, 2025 KALA BAGAI WAY, BERKELEY, CA 94704		

Late payment/penalty history: A search of Rent Board records will show that the billing code "SGREST" was identified in the 22/23 Registration Collections project.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				\$0.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: Property owner offered collections settlement..
--

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY 22/23	8	\$2,000.00	03/31/2023	\$4,000.00	-	\$4,000.00
Totals				\$4,000.00	\$0.00	\$4,000.00

Grounds under Regulation 884(B): (11) The Executive Director, or his or her designee, recommends that the interests of justice require that a greater or lesser amount be waived

Good cause claimed by owner: Property owner believes they paid, and the check was lost.

Recommendation: Staff recommends denying the penalty waiver.

Staff Analysis: The multi-residential property located at 3053 Dohr is a fully covered property and has been owned by the current owner since 2000. The property manager states in their waiver that they paid the 22/23 registration fee with check 1349 on 6/30/22 but could have gotten lost". Unfortunately, the Rent Board never received this check and has no record of the property manager paying the 22/23 registration fees. Additionally, the documentation submitted as proof of payment by the property manager appears to be formatted similarly to a standard Word document and does not have the typical appearance of authentic payment documentation, we expect from the property manager. Also, the billing code "SGREST" was identified in the 22/23 collections project. At that time SG Real Estate had 6 properties with outstanding balances that totaled \$140,330. The property located at 3053 Dohr was one of the six properties the registration unit identified. Staff notes, that SG Real Estate was offered the standard collections settlement which is all registration fees and 50% of the penalties. SG Real Estate chose not to take the settlement at that time. Staff also notes that SG Real Estate has submitted waivers for 5 of the 6 properties identified for 22/23 collections for the Boards review. Per regulation 883 J, properties that have been identified for Collections are offered the same settlement waiver with the Board. However, the total outstanding balance owed by the property manager across six different properties also places the waivers under regulation 884 B (11).

RECEIVED

MAR 31 2022

Initial: _____
Berkeley Rent Board

Public
CITY OF BERKELEY
RENT STABILIZATION PROGRAM
2125 Milvia Street, Berkeley, CA 94704
PHONE: (510) 981-7368 • FAX: (510) 981-4910
WEB: <https://rentboard.berkeleyca.gov>

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 3053 Dohr Street Berkeley CA 94702

Owner: Trust for Value Inc. 3053 Dohr C/O SG Real Estate

Date of acquisition, if new owner: _____

Name & relationship of person filing request, if not owner: _____

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document the circumstances that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

Rent board fees were paid on time with check #1349,
please see attached. It was mailed to the correct address
on 6/30/2022, but could have gotten lost. We are now
doing our due diligence and re-sending, but please
remove penalty fees.

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

Date: 3/24/2022 Signature: Jacqueline [Signature]

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: accounting@sgrealestateco.com

Mailing Address: 2105 MLK Jr. Way 2nd Fl Berkeley CA 94704

Phone Number: 510-704-1240 Fax Number: _____

Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.

06/30/2022

CITY OF BERKELEY RENT STABILIZATION PROGRAM

\$2,000.00

**** TWO THOUSAND AND 00/100 DOLLARS

City of Berkeley Rent Stabilization Program
2125 Milvia Street
Berkeley, CA 94704

2022 Rent Board- APN 053161501800

Date: 06/30/2022 Check #1349 Account: Trust for Value Inc. 3053 Dohr
Pay to: City of Berkeley Rent Stabilization Program

Property	Unit	Reference	Description	Amount
3053 Dohr St - 3053 Dohr St. Berkeley...			APN 053161501800	2,000.00
				2,000.00

Date: 06/30/2022 Check #1349 Account: Trust for Value Inc. 3053 Dohr
Pay to: City of Berkeley Rent Stabilization Program

Property	Unit	Reference	Description	Amount
3053 Dohr St - 3053 Dohr St. Berkeley...			APN 053161501800	2,000.00
				2,000.00

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

SGREST

DUE DATE

07/01/2022

*paid \$2,000
~~1349~~ 1349*

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

ASSESSOR PARCEL NUMBER : 053161501800
PROPERTY ADDRESS : 3053 DOHR ST BERKELEY CA 94702

PIN : 795954

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	8	\$ 2,000.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	0	\$ 0.00
City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties. This bill is past due. If payment is not made by the due date, a penalty will be assessed.	Current Fees		\$2,000.00
	Previous Fees		\$0.00
	Penalties		\$4,000.00
	Total Due		\$6,000.00

REQUIRED ACTION

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If you wish to pay with a credit card you may do so in person at our office or online at:

<https://rentregistry.cityofberkeley.info>

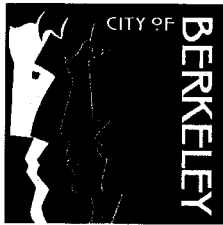
Registration Year: 07/01/2022 - 06/30/2023 Due Date: PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS : 3053 DOHR ST BERKELEY CA 94702
APN : 053161501800
BILLING CONTACT: SG REAL ESTATE
CURRENT FEES : \$2,000.00
PREVIOUS FEES: \$0.00
PENALTIES : \$4,000.00
TOTAL DUE : \$6,000.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

3053 DOHR ST

01/06/2023

SG REAL ESTATE

2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

SG REAL ESTATE

1600 SHATTUCK AVE SUITE #106
BERKELEY, CA 94709

UNIT STATUS: 8 UNITS 0 EXEMPT

CHANGE OF ADDRESS:

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
3053 DOHR ST BERKELEY CA	1	RENTED	06/02/1998	09/10/2021
3053 DOHR ST BERKELEY CA	2	RENTED	03/29/2013	03/29/2013
3053 DOHR ST BERKELEY CA	3	RENTED	07/01/2011	06/01/2022
3053 DOHR ST BERKELEY CA	4	RENTED	01/24/2011	01/06/2016
3053 DOHR ST BERKELEY CA	5	RENTED	10/28/1995	05/31/1980
3053 DOHR ST BERKELEY CA	6	RENTED	04/12/2013	04/12/2013
3053 DOHR ST BERKELEY CA	7	RENTED	01/15/2009	07/15/2013
3053 DOHR ST BERKELEY CA	8	RENTED	04/05/2011	08/13/2021

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I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

SGREST

DUE DATE

07/01/2022

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

ASSESSOR PARCEL NUMBER : 055189500800 **PIN :** 546435
PROPERTY ADDRESS : 2023 CHANNING WAY BERKELEY CA 94704

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	6	\$ 1,500.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	0	\$ 0.00

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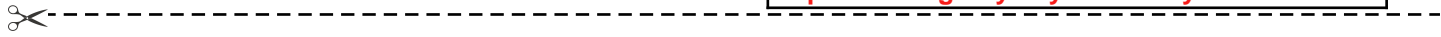
Current Fees	\$1,500.00
Previous Fees	\$2,780.00
Penalties	\$24,080.00
Total Due	\$28,360.00

REQUIRED ACTION

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If you wish to pay with a credit card you may do so in person at our office or online at:

<https://rentregistry.cityofberkeley.info>



Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS : 2023 CHANNING WAY BERKELEY CA 94704
APN : 055189500800
BILLING CONTACT: SG REAL ESTATE
CURRENT FEES : \$1,500.00
PREVIOUS FEES: \$2,780.00
PENALTIES : \$24,080.00
TOTAL DUE : \$28,360.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

2023 CHANNING

01/06/2023

SG REAL ESTATE

2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

SG REAL ESTATE

9101 BURNING TREE RD
BETHESDA, MD 20817

UNIT STATUS: 6 UNITS 0 EXEMPT

CHANGE OF ADDRESS:

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
2023 CHANNING WAY BERKELEY CA	3	RENTED	06/01/2014	06/01/2019
2023 CHANNING WAY BERKELEY CA	4	RENTED	06/01/2014	06/01/2018
2023 CHANNING WAY BERKELEY CA	5	RENTED	06/01/2013	06/01/2017
2023 CHANNING WAY BERKELEY CA	6	RENTED	06/01/2013	06/01/2018
2023 CHANNING WAY BERKELEY CA	NEW-1	RENTED	12/01/2016	12/31/1995
2023 CHANNING WAY BERKELEY CA	NEW-2	RENTED	12/01/2016	06/15/2018

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Signed: _____

Date: _____

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

SGREST

DUE DATE

07/01/2022

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

ASSESSOR PARCEL NUMBER : 052143700100 **PIN :** 958331
PROPERTY ADDRESS : 1538 63RD ST BERKELEY CA 94703

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	5	\$ 1,250.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	0	\$ 0.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

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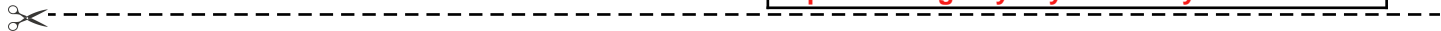
Current Fees	\$1,250.00
Previous Fees	\$250.00
Penalties	\$3,500.00
Total Due	\$5,000.00

REQUIRED ACTION

Property owners may pay the amount on this billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.

If you wish to pay with a credit card you may do so in person at our office or online at:

<https://rentregistry.cityofberkeley.info>



Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS : 1538 63RD ST BERKELEY CA 94703
APN : 052143700100
BILLING CONTACT: SG REAL ESTATE
CURRENT FEES : \$1,250.00
PREVIOUS FEES: \$250.00
PENALTIES : \$3,500.00
TOTAL DUE : \$5,000.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

1538 63RD ST

01/06/2023

SG REAL ESTATE

2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

SG REAL ESTATE

2572 21ST ST
SACRAMENTO, CA 95818

UNIT STATUS: 5 UNITS 0 EXEMPT

CHANGE OF ADDRESS:

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
1538 63RD ST BERKELEY CA	2	RENTED	07/01/2018	N/A
1540 63RD ST BERKELEY CA	A	RENTED	07/01/2018	04/05/2021
1540 63RD ST BERKELEY CA	B	RENTED	11/01/2004	06/15/2015
1540 63RD ST BERKELEY CA	C	RENTED	04/03/1994	01/01/1981
1538 63RD ST BERKELEY CA	N/A	RENTED	06/14/2022	07/01/2021

The 'Status Last Changed' indicates when the status of the unit last changed not necessarily the beginning of the current tenancy. Please make corrections to information directly on this form. If you make changes, return this form with your payment. If a unit listed here as exempt is now rented, a pro-rated registration fee is due. Please contact our Registration Unit at 510-981-7368 (981-Rent) for calculation of additional amount due.

I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

SGREST

DUE DATE

07/01/2022

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

ASSESSOR PARCEL NUMBER : 055182301300
PROPERTY ADDRESS : 2122 DWIGHT WAY BERKELEY CA 94704

PIN : 230616

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	12	\$ 3,000.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	2	\$ 0.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

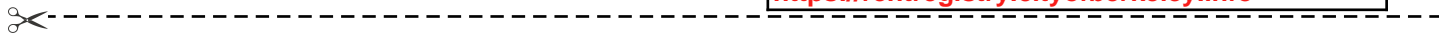
Current Fees	\$3,000.00
Previous Fees	\$0.00
Penalties	\$6,000.00
Total Due	\$9,000.00

This bill is past due. If payment is not made by the due date, a penalty will be assessed.

REQUIRED ACTION

Property owners may pay the amount on this billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.

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<https://rentregistry.cityofberkeley.info>



Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS :	2122 DWIGHT WAY BERKELEY CA 94704
APN :	055182301300
BILLING CONTACT:	SG REAL ESTATE
CURRENT FEES :	\$3,000.00
PREVIOUS FEES:	\$0.00
PENALTIES :	\$6,000.00
TOTAL DUE :	\$9,000.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

2122 DWIGHT WAY

01/06/2023

SG REAL ESTATE

2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

SG REAL ESTATE

9101 BURNING TREE RD
BETHESDA, MD 20817

UNIT STATUS: 14 UNITS 2 EXEMPT

CHANGE OF ADDRESS:

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
2122 DWIGHT WAY BERKELEY CA	1	RENTED	05/31/1980	N/A
2122 DWIGHT WAY BERKELEY CA	10	RENTED	06/01/2014	N/A
2122 DWIGHT WAY BERKELEY CA	11	RENTED	06/01/2014	09/11/2017
2122 DWIGHT WAY BERKELEY CA	12	RENTED	08/16/2010	N/A
2122 DWIGHT WAY BERKELEY CA	2	RENTED	06/01/2013	N/A
2122 DWIGHT WAY BERKELEY CA	3	RENTED	05/31/1980	06/01/2015
2122 DWIGHT WAY BERKELEY CA	4	RENTED	06/01/2014	06/01/2021
2122 DWIGHT WAY BERKELEY CA	5	RENTED	06/01/2014	N/A
2122 DWIGHT WAY BERKELEY CA	6	RENTED	05/31/1980	05/31/1980
2122 DWIGHT WAY BERKELEY CA	7	RENTED	06/01/2014	07/01/2021
2122 DWIGHT WAY BERKELEY CA	8	RENTED	06/01/2014	08/01/2021
2122 DWIGHT WAY BERKELEY CA	9	RENTED	08/20/2009	08/01/2008

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
2122 DWIGHT WAY BERKELEY CA	OLD-2	COMM	06/25/1999	05/31/1980
2122 DWIGHT WAY BERKELEY CA	OLD-7	COMM	06/25/1999	05/31/1980

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I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

SGREST

DUE DATE

07/01/2022

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

ASSESSOR PARCEL NUMBER : 055183100200 **PIN :** 497425
PROPERTY ADDRESS : 2504 DANA ST BERKELEY CA 94704

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	3	\$ 750.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	0	\$ 0.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

This bill is past due. If payment is not made by the due date, a penalty will be assessed.

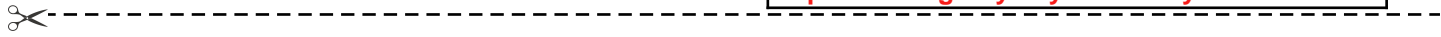
Current Fees	\$750.00
Previous Fees	\$5,151.00
Penalties	\$47,871.00
Total Due	\$53,772.00

REQUIRED ACTION

Property owners may pay the amount on this billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.

If you wish to pay with a credit card you may do so in person at our office or online at:

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Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS : 2504 DANA ST BERKELEY CA 94704
APN : 055183100200
BILLING CONTACT: SG REAL ESTATE
CURRENT FEES : \$750.00
PREVIOUS FEES: \$5,151.00
PENALTIES : \$47,871.00
TOTAL DUE : \$53,772.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

2504 DANA ST

01/06/2023

UNIT STATUS: 3 UNITS 0 EXEMPT

CHANGE OF ADDRESS:

SG REAL ESTATE

2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

SG REAL ESTATE

9101 BURNING TREE RD
BETHESDA, MD 20817

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
2504 DANA ST BERKELEY CA	A	RENTED	07/02/2014	06/01/2018
2504 DANA ST BERKELEY CA	B	RENTED	07/02/2014	06/01/2019
2504 DANA ST BERKELEY CA	C	RENTED	07/02/2014	07/01/2013

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I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

SGREST

DUE DATE

07/01/2022

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

ASSESSOR PARCEL NUMBER : 053161501800
PROPERTY ADDRESS : 3053 DOHR ST BERKELEY CA 94702

PIN : 795954

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	8	\$ 2,000.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	0	\$ 0.00
Current Fees			\$2,000.00
Previous Fees			\$0.00
Penalties			\$4,000.00
Total Due			\$6,000.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

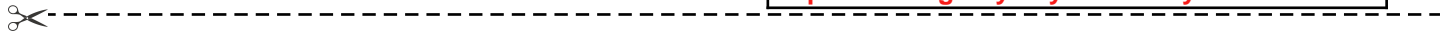
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REQUIRED ACTION

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Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS : 3053 DOHR ST BERKELEY CA 94702
APN : 053161501800
BILLING CONTACT: SG REAL ESTATE
CURRENT FEES : \$2,000.00
PREVIOUS FEES: \$0.00
PENALTIES : \$4,000.00
TOTAL DUE : \$6,000.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

3053 DOHR ST

01/06/2023

SG REAL ESTATE

2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

SG REAL ESTATE

1600 SHATTUCK AVE SUITE #106
BERKELEY, CA 94709

UNIT STATUS: 8 UNITS 0 EXEMPT

CHANGE OF ADDRESS:

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
3053 DOHR ST BERKELEY CA	1	RENTED	06/02/1998	09/10/2021
3053 DOHR ST BERKELEY CA	2	RENTED	03/29/2013	03/29/2013
3053 DOHR ST BERKELEY CA	3	RENTED	07/01/2011	06/01/2022
3053 DOHR ST BERKELEY CA	4	RENTED	01/24/2011	01/06/2016
3053 DOHR ST BERKELEY CA	5	RENTED	10/28/1995	05/31/1980
3053 DOHR ST BERKELEY CA	6	RENTED	04/12/2013	04/12/2013
3053 DOHR ST BERKELEY CA	7	RENTED	01/15/2009	07/15/2013
3053 DOHR ST BERKELEY CA	8	RENTED	04/05/2011	08/13/2021

The 'Status Last Changed' indicates when the status of the unit last changed not necessarily the beginning of the current tenancy. Please make corrections to information directly on this form. If you make changes, return this form with your payment. If a unit listed here as exempt is now rented, a pro-rated registration fee is due. Please contact our Registration Unit at 510-981-7368 (981-Rent) for calculation of additional amount due.

I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

SGREST

DUE DATE

07/01/2022

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

ASSESSOR PARCEL NUMBER : 055186500100 **PIN :** 227049
PROPERTY ADDRESS : 2401 WARRING ST BERKELEY CA 94704

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	2	\$ 500.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	1	\$ 150.00
Exempt Units	\$ 0.00	0	\$ 0.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

This bill is past due. If payment is not made by the due date, a penalty will be assessed.

Current Fees	\$650.00
Previous Fees	\$3,434.00
Penalties	\$31,714.00
Total Due	\$38,198.00

REQUIRED ACTION

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If you wish to pay with a credit card you may do so in person at our office or online at:

<https://rentregistry.cityofberkeley.info>



Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS : 2401 WARRING ST BERKELEY CA 94704
APN : 055186500100
BILLING CONTACT: SG REAL ESTATE
CURRENT FEES : \$650.00
PREVIOUS FEES: \$3,434.00
PENALTIES : \$31,714.00
TOTAL DUE : \$38,198.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

2401 WARRING ST

01/06/2023

UNIT STATUS: 3 UNITS 0 EXEMPT

CHANGE OF ADDRESS:

SG REAL ESTATE

2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

SG REAL ESTATE

9101 BURNING TREE RD
BETHESDA, MD 20817

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
2401 WARRING ST BERKELEY CA	B	RENTED	07/01/2015	06/01/2019
2401 WARRING ST BERKELEY CA	C	RENTED	07/01/2015	06/01/2018
2401 WARRING ST BERKELEY CA	N/A	NEW	07/01/2015	08/01/2011

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I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____



Rent Stabilization Board

RENT STABILIZATION BOARD RENT REGISTRY NOTICE

PROPERTY ADDRESS: 2504 DANA ST BERKELEY CA 94704
ASSESSOR PARCEL NUMBER: 055183100200
PIN: 497425

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

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If you have not already created an account at the Rent Board's Rent Registry and wish to register online:

- Go to <https://rentregistry.cityofberkeley.info>. Create a user account by entering your email address and making a password.
- After your email address has been verified, you will be able to add the above-referenced property to your profile, using the APN and PIN information above. You will then be able to provide tenancy data, claim an exemption, and/or pay registration fees.

If you have already created an account at the Rent Registry and wish to register online:

- Go to <https://rentregistry.cityofberkeley.info> and log in using the email and password that you have already created. The above-referenced property should already be associated with your profile.

If you have any questions, please contact our Registration Unit at (510) 981-7368, Ext. 2, or via email at rentregistry@cityofberkeley.info. Staff is available Mondays, Tuesdays, Thursdays and Fridays from 9a.m - 2p.m. to answer your questions by phone or email. We are closed on Wednesdays.

Sincerely,

A handwritten signature in blue ink, appearing to read "DeSeana Williams".

DeSeana Williams
Executive Director

2125 Milvia Street, Berkeley, CA 94704
• TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4910
EMAIL: rent@cityofberkeley.info • WEB: www.cityofberkeley.info/rent



Rent Stabilization Board

RENT STABILIZATION BOARD RENT REGISTRY NOTICE

PROPERTY ADDRESS: 2122 DWIGHT WAY BERKELEY CA
94704
ASSESSOR PARCEL NUMBER: 055182301300
PIN: 230616

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

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DeSeana Williams
Executive Director

2125 Milvia Street, Berkeley, CA 94704
• TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4910
EMAIL: rent@cityofberkeley.info • WEB: www.cityofberkeley.info/rent



Rent Stabilization Board

RENT STABILIZATION BOARD RENT REGISTRY NOTICE

PROPERTY ADDRESS: 2023 CHANNING WAY BERKELEY CA
94704
ASSESSOR PARCEL NUMBER: 055189500800
PIN: 546435

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

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Executive Director

2125 Milvia Street, Berkeley, CA 94704
• TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4910
EMAIL: rent@cityofberkeley.info • WEB: www.cityofberkeley.info/rent



Rent Stabilization Board

RENT STABILIZATION BOARD RENT REGISTRY NOTICE

PROPERTY ADDRESS: 2401 WARRING ST BERKELEY CA
94704
ASSESSOR PARCEL NUMBER: 055186500100
PIN: 227049

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

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Executive Director

2125 Milvia Street, Berkeley, CA 94704
• TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4910
EMAIL: rent@cityofberkeley.info • WEB: www.cityofberkeley.info/rent



Rent Stabilization Board

RENT STABILIZATION BOARD RENT REGISTRY NOTICE

PROPERTY ADDRESS: 3053 DOHR ST BERKELEY CA 94702
ASSESSOR PARCEL NUMBER: 053161501800
PIN: 795954

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

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EMAIL: rent@cityofberkeley.info • WEB: www.cityofberkeley.info/rent



Rent Stabilization Board

RENT STABILIZATION BOARD RENT REGISTRY NOTICE

PROPERTY ADDRESS: 1538 63RD ST BERKELEY CA 94703
ASSESSOR PARCEL NUMBER: 052143700100
PIN: 958331

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

This notice is for owners who have **NOT** yet created an online account at the City of Berkeley's Rent Board Rent Registry at <https://rentregistry.cityofberkeley.info> and who wish to register their unit, claim an exemption, and/or pay registration fees online.

If you have not already created an account at the Rent Board's Rent Registry and wish to register online:

- Go to <https://rentregistry.cityofberkeley.info>. Create a user account by entering your email address and making a password.
- After your email address has been verified, you will be able to add the above-referenced property to your profile, using the APN and PIN information above. You will then be able to provide tenancy data, claim an exemption, and/or pay registration fees.

If you have already created an account at the Rent Registry and wish to register online:

- Go to <https://rentregistry.cityofberkeley.info> and log in using the email and password that you have already created. The above-referenced property should already be associated with your profile.

If you have any questions, please contact our Registration Unit at (510) 981-7368, Ext. 2, or via email at rentregistry@cityofberkeley.info. Staff is available Mondays, Tuesdays, Thursdays and Fridays from 9a.m - 2p.m. to answer your questions by phone or email. We are closed on Wednesdays.

Sincerely,

A handwritten signature in blue ink, appearing to read "DeSeana Williams".

DeSeana Williams
Executive Director

2125 Milvia Street, Berkeley, CA 94704
• TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4910
EMAIL: rent@cityofberkeley.info • WEB: www.cityofberkeley.info/rent

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5089	Property address: 2122 DWIGHT WAY	Transferred: 01/09/1997
Exempt units (as of February 2021): Unit # OLD-2 - COMM - Manager, Unit # OLD-7 - COMM - Manager		
Owner(s): NCR PROPERTIES LLC	Waiver filed by: PROPERTY MANAGER	# of Units: 14
Other Berkeley rental property owned: 3053 DOHR ST BERKELEY CA 94702, 2205 BLAKE ST BERKELEY CA 94704, 1538 63RD ST BERKELEY CA 94703, 2225 BLAKE ST BERKELEY CA 94704, 2204 DWIGHT WAY BERKELEY CA 94704, 1176 UNIVERSITY AVE BERKELEY CA 94702, 1820 SPRUCE ST BERKELEY CA 94709, 2418 DWIGHT WAY BERKELEY CA 94704, 1225 ASHBY AVE BERKELEY CA 94702, 1534 HARMON ST BERKELEY CA 94703, 1327 MILVIA ST BERKELEY CA 94709, 3105 TELEGRAPH AVE BERKELEY CA 94705, 1128 BANCROFT WAY BERKELEY CA 94702, 2820 FULTON ST BERKELEY CA 94705, 1321 SPRUCE ST BERKELEY CA 94709, 1130 BANCROFT WAY BERKELEY CA 94702, 2313 9TH ST BERKELEY CA 94710, 2013 2ND ST, BERKELEY, CA 94710, 2503 HASTE ST, BERKELEY, CA 94704, 2601 DANA ST C, BERKELEY, CA 94704, 2401 WARRING ST BERKELEY CA 94704, 1812 UNIVERSITY AVE BERKELEY CA 94703, 2508 CHANNING WAY, BERKELEY, CA 94704, 1173 HEARST AVE BERKELEY CA 94702, 2486 CHANNING WAY BERKELEY CA 94704, 2524 DWIGHT WAY, BERKELEY, CA 94704, 1949 MLK JR WAY BERKELEY CA 94704, 2233 CHANNING WAY BERKELEY CA 94704, 2023 CHANNING WAY BERKELEY CA 94704, 2489 MLK JR WAY BERKELEY CA 94704, 1609 STUART ST BERKELEY CA 94703, 1509 HEARST AVE BERKELEY CA 94703, 2430 FULTON ST BERKELEY CA 94704, 1896 ALCATRAZ AVE BERKELEY CA 94703, 2217 CHANNING WAY BERKELEY CA 94704, 2339 OREGON ST BERKELEY CA 94705, 1212 NEILSON ST BERKELEY CA 94706, 1898 ALCATRAZ AVE BERKELEY CA 94703, 1301 HEARST AVE BERKELEY CA 94702, 1157 HEARST AVE BERKELEY CA 94702, 1615 PARKER ST BERKELEY CA 94703, 2025 KALA BAGAI WAY, BERKELEY, CA 94704		

Late payment/penalty history: A search of Rent Board records will show that the billing code "SGREST" was identified in the 22/23 Registration Collections project.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				\$0.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: Property Manager offered collections settlement.

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
22/23	14	\$3,000.00	03/31/2023	\$6,000.00	-	\$6,000.00
Totals				\$6,000.00	\$0.00	\$6,000.00

Grounds under Regulation 884(B): (11) The Executive Director, or his or her designee, recommends that the interests of justice require that a greater or lesser amount be waived

Good cause claimed by owner: The property manager believes the payment could have been lost in the mail.

Recommendation: Staff recommends denying the penalty waiver.

Staff Analysis: The multi-residential property located at 2122 Dwight is a fully covered property and has been owned by the current owner since 2011. The property manager states in their waiver that they paid the 22/23 registration fee with check 1112 on 6/30/22 but could have gotten lost". Unfortunately, the Rent Board never received this check and has no record of the property manager paying the 22/23 registration fees. Additionally, the documentation submitted as proof of payment by the property manager appears to be formatted similarly to a standard Word document and does not have the typical appearance of authentic payment documentation, we expect from the property manager. Also, the billing code "SGREST" was identified in the 22/23 collections project. At that time SG Real Estate had 6 properties with outstanding balances that totaled \$140,330. The property located at 2122 Dwight was one of the six properties the registration unit identified. Staff notes, that SG Real Estate was offered the standard collections settlement which is all registration fees and 50% of the penalties. SG Real Estate chose not to take the settlement at that time. Staff also notes that SG Real Estate has submitted waivers for 5 of the 6 properties identified for 22/23 collections for the Boards review. Per regulation 883 J, properties that have been identified for Collections are offered the same settlement waiver with the Board. However, the total outstanding balance owed by the property manager across six different properties also places the waivers under regulation 884 B (11).

RECEIVED

MAR 31 2022

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2122 Dwight Way Berkeley CA 94704

Owner: NCR Properties, LLC C/O SG Real Estate

Date of acquisition, if new owner: _____

Name & relationship of person filing request, if not owner: _____

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document the circumstances that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

Rent board fees were paid on time with check #1112
on 6/30/22, but could have been received by the
incorrect dept. kindly remove penalty fees.

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

Date: 3/24/2023 Signature: 

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: accounting@sgrealestateco.com

Mailing Address: 2105 MLK Jr. Way 2nd Fl Berkeley CA 94704

Phone Number: 510-704-1240 Fax Number: _____

06/30/2022

CITY OF BERKELEY RENT STABILIZATION PROGRAM

\$3,000.00

**** THREE THOUSAND AND 00/100 DOLLARS

City of Berkeley Rent Stabilization Program
2125 Milvia Street
Berkeley, CA 94704

2022 Rent Board- APN 055182301300

Date: 06/30/2022 Check #1112 Account: NCR Properties, LLC - 2122 Dwight
Pay to: City of Berkeley Rent Stabilization Program

Property	Unit	Reference	Description	Amount
2122 Dwight Way - 2122 Dwight Way Ber...			APN 055182301300	3,000.00
				3,000.00

Date: 06/30/2022 Check #1112 Account: NCR Properties, LLC - 2122 Dwight
Pay to: City of Berkeley Rent Stabilization Program

Property	Unit	Reference	Description	Amount
2122 Dwight Way - 2122 Dwight Way Ber...			APN 055182301300	3,000.00
				3,000.00

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

SGREST

DUE DATE

07/01/2022

*paid \$3,000
1112*

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

ASSESSOR PARCEL NUMBER : 055182301300

PIN : 230616

PROPERTY ADDRESS : 2122 DWIGHT WAY BERKELEY CA 94704

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	12	\$ 3,000.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	2	\$ 0.00
City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties. This bill is past due. If payment is not made by the due date, a penalty will be assessed.	Current Fees		\$3,000.00
	Previous Fees		\$0.00
	Penalties		\$6,000.00
	Total Due		\$9,000.00

REQUIRED ACTION

Property owners may pay the amount on this billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.

If you wish to pay with a credit card you may do so in person at our office or online at:

<https://rentregistry.cityofberkeley.info>

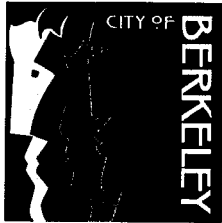
Mail To: Registration Year: 07/01/2022 - 06/30/2023 Due Date: PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS : 2122 DWIGHT WAY BERKELEY CA 94704
APN : 055182301300
BILLING CONTACT: SG REAL ESTATE
CURRENT FEES : \$3,000.00
PREVIOUS FEES: \$0.00
PENALTIES : \$6,000.00
TOTAL DUE : \$9,000.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

2122 DWIGHT WAY

01/06/2023

SG REAL ESTATE

2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

SG REAL ESTATE

9101 BURNING TREE RD
BETHESDA, MD 20817

UNIT STATUS: 14 UNITS 2 EXEMPT

CHANGE OF ADDRESS:

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
2122 DWIGHT WAY BERKELEY CA	1	RENTED	05/31/1980	N/A
2122 DWIGHT WAY BERKELEY CA	10	RENTED	06/01/2014	N/A
2122 DWIGHT WAY BERKELEY CA	11	RENTED	06/01/2014	09/11/2017
2122 DWIGHT WAY BERKELEY CA	12	RENTED	08/16/2010	N/A
2122 DWIGHT WAY BERKELEY CA	2	RENTED	06/01/2013	N/A
2122 DWIGHT WAY BERKELEY CA	3	RENTED	05/31/1980	06/01/2015
2122 DWIGHT WAY BERKELEY CA	4	RENTED	06/01/2014	06/01/2021
2122 DWIGHT WAY BERKELEY CA	5	RENTED	06/01/2014	N/A
2122 DWIGHT WAY BERKELEY CA	6	RENTED	05/31/1980	05/31/1980
2122 DWIGHT WAY BERKELEY CA	7	RENTED	06/01/2014	07/01/2021
2122 DWIGHT WAY BERKELEY CA	8	RENTED	06/01/2014	08/01/2021
2122 DWIGHT WAY BERKELEY CA	9	RENTED	08/20/2009	08/01/2008

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
2122 DWIGHT WAY BERKELEY CA	OLD-2	COMM	06/25/1999	05/31/1980
2122 DWIGHT WAY BERKELEY CA	OLD-7	COMM	06/25/1999	05/31/1980

The 'Status Last Changed' indicates when the status of the unit last changed not necessarily the beginning of the current tenancy. Please make corrections to information directly on this form. If you make changes, return this form with your payment. If a unit listed here as exempt is now rented, a pro-rated registration fee is due. Please contact our Registration Unit at 510-981-7368 (981-Rent) for calculation of additional amount due.

I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

SGREST

DUE DATE

07/01/2022

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

ASSESSOR PARCEL NUMBER : 055189500800 **PIN :** 546435
PROPERTY ADDRESS : 2023 CHANNING WAY BERKELEY CA 94704

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	6	\$ 1,500.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	0	\$ 0.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

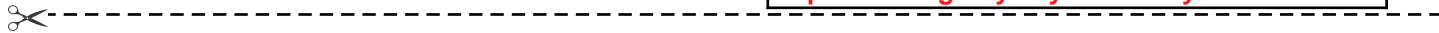
Current Fees	\$1,500.00
Previous Fees	\$2,780.00
Penalties	\$24,080.00
Total Due	\$28,360.00

This bill is past due. If payment is not made by the due date, a penalty will be assessed.

REQUIRED ACTION

Property owners may pay the amount on this billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.

If you wish to pay with a credit card you may do so in person at our office or online at:
<https://rentregistry.cityofberkeley.info>



Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS :	2023 CHANNING WAY BERKELEY CA 94704
APN :	055189500800
BILLING CONTACT:	SG REAL ESTATE
CURRENT FEES :	\$1,500.00
PREVIOUS FEES:	\$2,780.00
PENALTIES :	\$24,080.00
TOTAL DUE :	\$28,360.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

2023 CHANNING
01/06/2023

UNIT STATUS: 6 UNITS 0 EXEMPT

CHANGE OF ADDRESS:

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

SG REAL ESTATE
9101 BURNING TREE RD
BETHESDA, MD 20817

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
2023 CHANNING WAY BERKELEY CA	3	RENTED	06/01/2014	06/01/2019
2023 CHANNING WAY BERKELEY CA	4	RENTED	06/01/2014	06/01/2018
2023 CHANNING WAY BERKELEY CA	5	RENTED	06/01/2013	06/01/2017
2023 CHANNING WAY BERKELEY CA	6	RENTED	06/01/2013	06/01/2018
2023 CHANNING WAY BERKELEY CA	NEW-1	RENTED	12/01/2016	12/31/1995
2023 CHANNING WAY BERKELEY CA	NEW-2	RENTED	12/01/2016	06/15/2018

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I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

SGREST

DUE DATE

07/01/2022

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

ASSESSOR PARCEL NUMBER : 052143700100 **PIN :** 958331
PROPERTY ADDRESS : 1538 63RD ST BERKELEY CA 94703

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	5	\$ 1,250.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	0	\$ 0.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

This bill is past due. If payment is not made by the due date, a penalty will be assessed.

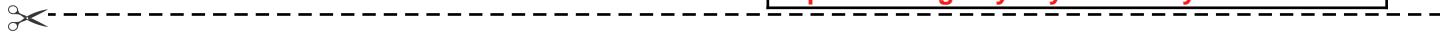
Current Fees	\$1,250.00
Previous Fees	\$250.00
Penalties	\$3,500.00
Total Due	\$5,000.00

REQUIRED ACTION

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<https://rentregistry.cityofberkeley.info>



Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS : 1538 63RD ST BERKELEY CA 94703
APN : 052143700100
BILLING CONTACT: SG REAL ESTATE
CURRENT FEES : \$1,250.00
PREVIOUS FEES: \$250.00
PENALTIES : \$3,500.00
TOTAL DUE : \$5,000.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

1538 63RD ST

01/06/2023

SG REAL ESTATE

2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

SG REAL ESTATE

2572 21ST ST
SACRAMENTO, CA 95818

UNIT STATUS: 5 UNITS 0 EXEMPT

CHANGE OF ADDRESS:

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
1538 63RD ST BERKELEY CA	2	RENTED	07/01/2018	N/A
1540 63RD ST BERKELEY CA	A	RENTED	07/01/2018	04/05/2021
1540 63RD ST BERKELEY CA	B	RENTED	11/01/2004	06/15/2015
1540 63RD ST BERKELEY CA	C	RENTED	04/03/1994	01/01/1981
1538 63RD ST BERKELEY CA	N/A	RENTED	06/14/2022	07/01/2021

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I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

SGREST

DUE DATE

07/01/2022

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

ASSESSOR PARCEL NUMBER : 055182301300
PROPERTY ADDRESS : 2122 DWIGHT WAY BERKELEY CA 94704

PIN : 230616

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	12	\$ 3,000.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	2	\$ 0.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

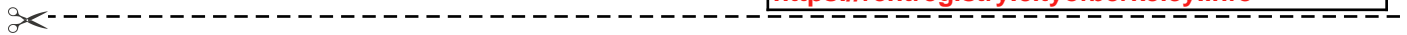
Current Fees	\$3,000.00
Previous Fees	\$0.00
Penalties	\$6,000.00
Total Due	\$9,000.00

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Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS :	2122 DWIGHT WAY BERKELEY CA 94704
APN :	055182301300
BILLING CONTACT:	SG REAL ESTATE
CURRENT FEES :	\$3,000.00
PREVIOUS FEES:	\$0.00
PENALTIES :	\$6,000.00
TOTAL DUE :	\$9,000.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

2122 DWIGHT WAY

01/06/2023

SG REAL ESTATE

2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

SG REAL ESTATE

9101 BURNING TREE RD
BETHESDA, MD 20817

UNIT STATUS: 14 UNITS 2 EXEMPT

CHANGE OF ADDRESS:

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
2122 DWIGHT WAY BERKELEY CA	1	RENTED	05/31/1980	N/A
2122 DWIGHT WAY BERKELEY CA	10	RENTED	06/01/2014	N/A
2122 DWIGHT WAY BERKELEY CA	11	RENTED	06/01/2014	09/11/2017
2122 DWIGHT WAY BERKELEY CA	12	RENTED	08/16/2010	N/A
2122 DWIGHT WAY BERKELEY CA	2	RENTED	06/01/2013	N/A
2122 DWIGHT WAY BERKELEY CA	3	RENTED	05/31/1980	06/01/2015
2122 DWIGHT WAY BERKELEY CA	4	RENTED	06/01/2014	06/01/2021
2122 DWIGHT WAY BERKELEY CA	5	RENTED	06/01/2014	N/A
2122 DWIGHT WAY BERKELEY CA	6	RENTED	05/31/1980	05/31/1980
2122 DWIGHT WAY BERKELEY CA	7	RENTED	06/01/2014	07/01/2021
2122 DWIGHT WAY BERKELEY CA	8	RENTED	06/01/2014	08/01/2021
2122 DWIGHT WAY BERKELEY CA	9	RENTED	08/20/2009	08/01/2008

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
2122 DWIGHT WAY BERKELEY CA	OLD-2	COMM	06/25/1999	05/31/1980
2122 DWIGHT WAY BERKELEY CA	OLD-7	COMM	06/25/1999	05/31/1980

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I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

SGREST

DUE DATE

07/01/2022

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

ASSESSOR PARCEL NUMBER : 055183100200 **PIN :** 497425
PROPERTY ADDRESS : 2504 DANA ST BERKELEY CA 94704

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	3	\$ 750.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	0	\$ 0.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

This bill is past due. If payment is not made by the due date, a penalty will be assessed.

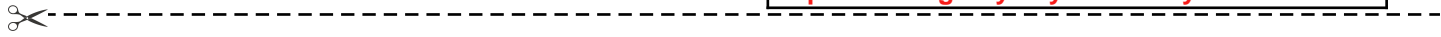
Current Fees	\$750.00
Previous Fees	\$5,151.00
Penalties	\$47,871.00
Total Due	\$53,772.00

REQUIRED ACTION

Property owners may pay the amount on this billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.

If you wish to pay with a credit card you may do so in person at our office or online at:

<https://rentregistry.cityofberkeley.info>



Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS : 2504 DANA ST BERKELEY CA 94704
APN : 055183100200
BILLING CONTACT: SG REAL ESTATE
CURRENT FEES : \$750.00
PREVIOUS FEES: \$5,151.00
PENALTIES : \$47,871.00
TOTAL DUE : \$53,772.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

2504 DANA ST

01/06/2023

SG REAL ESTATE

2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

SG REAL ESTATE

9101 BURNING TREE RD
BETHESDA, MD 20817

UNIT STATUS: 3 UNITS 0 EXEMPT

CHANGE OF ADDRESS:

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
2504 DANA ST BERKELEY CA	A	RENTED	07/02/2014	06/01/2018
2504 DANA ST BERKELEY CA	B	RENTED	07/02/2014	06/01/2019
2504 DANA ST BERKELEY CA	C	RENTED	07/02/2014	07/01/2013

The 'Status Last Changed' indicates when the status of the unit last changed not necessarily the beginning of the current tenancy. Please make corrections to information directly on this form. If you make changes, return this form with your payment. If a unit listed here as exempt is now rented, a pro-rated registration fee is due. Please contact our Registration Unit at 510-981-7368 (981-Rent) for calculation of additional amount due.

I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

SGREST

DUE DATE

07/01/2022

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

ASSESSOR PARCEL NUMBER : 053161501800
PROPERTY ADDRESS : 3053 DOHR ST BERKELEY CA 94702

PIN : 795954

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	8	\$ 2,000.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	0	\$ 0.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

This bill is past due. If payment is not made by the due date, a penalty will be assessed.

Current Fees	\$2,000.00
Previous Fees	\$0.00
Penalties	\$4,000.00
Total Due	\$6,000.00

REQUIRED ACTION

Property owners may pay the amount on this billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.

If you wish to pay with a credit card you may do so in person at our office or online at:

<https://rentregistry.cityofberkeley.info>

Registration Year: 07/01/2022 - 06/30/2023

Due Date: **PAST DUE**

Mail To:

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS :	3053 DOHR ST BERKELEY CA 94702
APN :	053161501800
BILLING CONTACT:	SG REAL ESTATE
CURRENT FEES :	\$2,000.00
PREVIOUS FEES:	\$0.00
PENALTIES :	\$4,000.00
TOTAL DUE :	\$6,000.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

3053 DOHR ST

01/06/2023

SG REAL ESTATE

2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

SG REAL ESTATE

1600 SHATTUCK AVE SUITE #106
BERKELEY, CA 94709

UNIT STATUS: 8 UNITS 0 EXEMPT

CHANGE OF ADDRESS:

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
3053 DOHR ST BERKELEY CA	1	RENTED	06/02/1998	09/10/2021
3053 DOHR ST BERKELEY CA	2	RENTED	03/29/2013	03/29/2013
3053 DOHR ST BERKELEY CA	3	RENTED	07/01/2011	06/01/2022
3053 DOHR ST BERKELEY CA	4	RENTED	01/24/2011	01/06/2016
3053 DOHR ST BERKELEY CA	5	RENTED	10/28/1995	05/31/1980
3053 DOHR ST BERKELEY CA	6	RENTED	04/12/2013	04/12/2013
3053 DOHR ST BERKELEY CA	7	RENTED	01/15/2009	07/15/2013
3053 DOHR ST BERKELEY CA	8	RENTED	04/05/2011	08/13/2021

The 'Status Last Changed' indicates when the status of the unit last changed not necessarily the beginning of the current tenancy. Please make corrections to information directly on this form. If you make changes, return this form with your payment. If a unit listed here as exempt is now rented, a pro-rated registration fee is due. Please contact our Registration Unit at 510-981-7368 (981-Rent) for calculation of additional amount due.

I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

SGREST

DUE DATE

07/01/2022

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

ASSESSOR PARCEL NUMBER : 055186500100 **PIN :** 227049
PROPERTY ADDRESS : 2401 WARRING ST BERKELEY CA 94704

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	2	\$ 500.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	1	\$ 150.00
Exempt Units	\$ 0.00	0	\$ 0.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

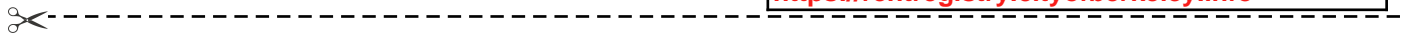
Current Fees	\$650.00
Previous Fees	\$3,434.00
Penalties	\$31,714.00
Total Due	\$38,198.00

This bill is past due. If payment is not made by the due date, a penalty will be assessed.

REQUIRED ACTION

Property owners may pay the amount on this billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.

If you wish to pay with a credit card you may do so in person at our office or online at:
<https://rentregistry.cityofberkeley.info>



Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS :	2401 WARRING ST BERKELEY CA 94704
APN :	055186500100
BILLING CONTACT:	SG REAL ESTATE
CURRENT FEES :	\$650.00
PREVIOUS FEES:	\$3,434.00
PENALTIES :	\$31,714.00
TOTAL DUE :	\$38,198.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

2401 WARRING ST

01/06/2023

SG REAL ESTATE

2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

SG REAL ESTATE

9101 BURNING TREE RD
BETHESDA, MD 20817

UNIT STATUS: 3 UNITS 0 EXEMPT

CHANGE OF ADDRESS:

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
2401 WARRING ST BERKELEY CA	B	RENTED	07/01/2015	06/01/2019
2401 WARRING ST BERKELEY CA	C	RENTED	07/01/2015	06/01/2018
2401 WARRING ST BERKELEY CA	N/A	NEW	07/01/2015	08/01/2011

The 'Status Last Changed' indicates when the status of the unit last changed not necessarily the beginning of the current tenancy. Please make corrections to information directly on this form. If you make changes, return this form with your payment. If a unit listed here as exempt is now rented, a pro-rated registration fee is due. Please contact our Registration Unit at 510-981-7368 (981-Rent) for calculation of additional amount due.

I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____



Rent Stabilization Board

RENT STABILIZATION BOARD RENT REGISTRY NOTICE

PROPERTY ADDRESS: 2504 DANA ST BERKELEY CA 94704
ASSESSOR PARCEL NUMBER: 055183100200
PIN: 497425

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

This notice is for owners who have **NOT** yet created an online account at the City of Berkeley's Rent Board Rent Registry at <https://rentregistry.cityofberkeley.info> and who wish to register their unit, claim an exemption, and/or pay registration fees online.

If you have not already created an account at the Rent Board's Rent Registry and wish to register online:

- Go to <https://rentregistry.cityofberkeley.info>. Create a user account by entering your email address and making a password.
- After your email address has been verified, you will be able to add the above-referenced property to your profile, using the APN and PIN information above. You will then be able to provide tenancy data, claim an exemption, and/or pay registration fees.

If you have already created an account at the Rent Registry and wish to register online:

- Go to <https://rentregistry.cityofberkeley.info> and log in using the email and password that you have already created. The above-referenced property should already be associated with your profile.

If you have any questions, please contact our Registration Unit at (510) 981-7368, Ext. 2, or via email at rentregistry@cityofberkeley.info. Staff is available Mondays, Tuesdays, Thursdays and Fridays from 9a.m - 2p.m. to answer your questions by phone or email. We are closed on Wednesdays.

Sincerely,

A handwritten signature in blue ink, appearing to read "DeSeana Williams".

DeSeana Williams
Executive Director

2125 Milvia Street, Berkeley, CA 94704
• TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4910
EMAIL: rent@cityofberkeley.info • WEB: www.cityofberkeley.info/rent



Rent Stabilization Board

RENT STABILIZATION BOARD RENT REGISTRY NOTICE

PROPERTY ADDRESS: 2122 DWIGHT WAY BERKELEY CA
94704
ASSESSOR PARCEL NUMBER: 055182301300
PIN: 230616

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

This notice is for owners who have **NOT** yet created an online account at the City of Berkeley's Rent Board Rent Registry at <https://rentregistry.cityofberkeley.info> and who wish to register their unit, claim an exemption, and/or pay registration fees online.

If you have not already created an account at the Rent Board's Rent Registry and wish to register online:

- Go to <https://rentregistry.cityofberkeley.info>. Create a user account by entering your email address and making a password.
- After your email address has been verified, you will be able to add the above-referenced property to your profile, using the APN and PIN information above. You will then be able to provide tenancy data, claim an exemption, and/or pay registration fees.

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DeSeana Williams
Executive Director

2125 Milvia Street, Berkeley, CA 94704
• TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4910
EMAIL: rent@cityofberkeley.info • WEB: www.cityofberkeley.info/rent



Rent Stabilization Board

RENT STABILIZATION BOARD RENT REGISTRY NOTICE

PROPERTY ADDRESS: 2023 CHANNING WAY BERKELEY CA
94704
ASSESSOR PARCEL NUMBER: 055189500800
PIN: 546435

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

This notice is for owners who have **NOT** yet created an online account at the City of Berkeley's Rent Board Rent Registry at <https://rentregistry.cityofberkeley.info> and who wish to register their unit, claim an exemption, and/or pay registration fees online.

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If you have any questions, please contact our Registration Unit at (510) 981-7368, Ext. 2, or via email at rentregistry@cityofberkeley.info. Staff is available Mondays, Tuesdays, Thursdays and Fridays from 9a.m - 2p.m. to answer your questions by phone or email. We are closed on Wednesdays.

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DeSeana Williams
Executive Director

2125 Milvia Street, Berkeley, CA 94704
• TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4910
EMAIL: rent@cityofberkeley.info • WEB: www.cityofberkeley.info/rent



Rent Stabilization Board

RENT STABILIZATION BOARD RENT REGISTRY NOTICE

PROPERTY ADDRESS: 2401 WARRING ST BERKELEY CA
94704
ASSESSOR PARCEL NUMBER: 055186500100
PIN: 227049

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

This notice is for owners who have **NOT** yet created an online account at the City of Berkeley's Rent Board Rent Registry at <https://rentregistry.cityofberkeley.info> and who wish to register their unit, claim an exemption, and/or pay registration fees online.

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- Go to <https://rentregistry.cityofberkeley.info> and log in using the email and password that you have already created. The above-referenced property should already be associated with your profile.

If you have any questions, please contact our Registration Unit at (510) 981-7368, Ext. 2, or via email at rentregistry@cityofberkeley.info. Staff is available Mondays, Tuesdays, Thursdays and Fridays from 9a.m - 2p.m. to answer your questions by phone or email. We are closed on Wednesdays.

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DeSeana Williams
Executive Director

2125 Milvia Street, Berkeley, CA 94704
• TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4910
EMAIL: rent@cityofberkeley.info • WEB: www.cityofberkeley.info/rent



Rent Stabilization Board

RENT STABILIZATION BOARD RENT REGISTRY NOTICE

PROPERTY ADDRESS: 3053 DOHR ST BERKELEY CA 94702
ASSESSOR PARCEL NUMBER: 053161501800
PIN: 795954

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

This notice is for owners who have **NOT** yet created an online account at the City of Berkeley's Rent Board Rent Registry at <https://rentregistry.cityofberkeley.info> and who wish to register their unit, claim an exemption, and/or pay registration fees online.

If you have not already created an account at the Rent Board's Rent Registry and wish to register online:

- Go to <https://rentregistry.cityofberkeley.info>. Create a user account by entering your email address and making a password.
- After your email address has been verified, you will be able to add the above-referenced property to your profile, using the APN and PIN information above. You will then be able to provide tenancy data, claim an exemption, and/or pay registration fees.

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If you have any questions, please contact our Registration Unit at (510) 981-7368, Ext. 2, or via email at rentregistry@cityofberkeley.info. Staff is available Mondays, Tuesdays, Thursdays and Fridays from 9a.m - 2p.m. to answer your questions by phone or email. We are closed on Wednesdays.

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DeSeana Williams
Executive Director

2125 Milvia Street, Berkeley, CA 94704
• TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4910
EMAIL: rent@cityofberkeley.info • WEB: www.cityofberkeley.info/rent



Rent Stabilization Board

RENT STABILIZATION BOARD RENT REGISTRY NOTICE

PROPERTY ADDRESS: 1538 63RD ST BERKELEY CA 94703
ASSESSOR PARCEL NUMBER: 052143700100
PIN: 958331

SG REAL ESTATE
2105 MLK JR WAY, 2ND FL
BERKELEY, CA 94704

This notice is for owners who have **NOT** yet created an online account at the City of Berkeley's Rent Board Rent Registry at <https://rentregistry.cityofberkeley.info> and who wish to register their unit, claim an exemption, and/or pay registration fees online.

If you have not already created an account at the Rent Board's Rent Registry and wish to register online:

- Go to <https://rentregistry.cityofberkeley.info>. Create a user account by entering your email address and making a password.
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DeSeana Williams
Executive Director

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• TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4910
EMAIL: rent@cityofberkeley.info • WEB: www.cityofberkeley.info/rent

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5090	Property address: 2045 EMERSON ST	Transferred: 06/18/2021
Exempt units (as of February 2021): Unit # A - SEC8-V - Rent Subsidized Tenant		
Owner(s): JEANNETTE DISNEY	Waiver filed by: OWNER	# of Units: 5
Other Berkeley rental property owned: 1237 RUSSELL ST BERKELEY CA 94702		

Late payment/penalty history: This property was purchased by the current owner in 2021. Unfortunately, there are not 5 years of fiscal history to review.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				\$0.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: Owns or manages more than 11 units and did not own when the penalties accrued.

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
22/23	5	\$962.00	04/21/2023	\$4,962.00	-	\$4,962.00
Totals				\$4,962.00	\$0.00	\$4,962.00

Grounds under Regulation 884(B): (6) The landlord requesting the waiver owns or manages 11 or more rental units
(7) The landlord requesting the waiver was not the owner of the property when the penalty first accrued

Good cause claimed by owner: The owner's registration payments were never received by the Rent Board.

Recommendation: Staff recommends waiving 100% of the penalty.

Staff Analysis: The Multi-residential property located at 2043-2045 Emerson is a fully covered property that has been owned by the current owner since 2021. The owner states in their waiver that, "the prior owner paid the 21/22 registration fees and when the 22/23 statements came, the Rent Board hadn't updated the property owner's address". In the waiver packet submitted by the owner is an email dated 10/16/2022, Unfortunately, this is the first communication received by the Rent Board informing us of the ownership change. The packet also includes the Rent Board New Owner letter dated 10/17/22. The New Owner Letter states, "It is the owner's responsibility to notify the Rent Board of any change in rental status within 60 days

of the change. A search of Rent Board records will show this owner owns one additional property at 1237 Russell for a total of 13 units between the two properties. Per regulation 883 B(6), this waiver qualifies as discretionary because the landlord requesting the waiver owns or manages more than 11 units; and per regulation 883 B (7) the landlord requesting the waiver was not the owner of the property when the penalty first accrued. Additionally, Rent Board Records will also show the billing code "DISJEA" was listed under the 22/23 collections project for properties with unpaid registration fees (Please see attached collections letter and bill). During the collections project, the Registration Unit offered to waive 50% of the penalties so that properties could comply with the Registration Requirement of the Rent Ordinance. Unfortunately, the owner did not want to take the settlement offer at that time. After a complete review of the property account, Staff determined that the property owner did not own this property at the time the penalties were accrued. The previous owner of this property was Pacific Bay Partners LLC. The LLC was the responsible party for the 19/20 through the 22/23 registration cycles. The property records will also show that the second previous owner also left a balance on the property before selling to the LLC. This property qualifies to have 100% of the penalty waived under regulation 883 B (7) because the current property owner did not own the property when the penalties accrued.

RECEIVED

Public

CITY OF BERKELEY
RENT STABILIZATION PROGRAM
2125 Milvia Street, Berkeley, CA 94704
PHONE: (510) 981-7368 • FAX: (510) 981-4910
WEB: <https://rentboard.berkeleyca.gov>

APR 18 2023

Initial: JB
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2045 / 2043 Emerson St. Berkeley 94703

Owner: Jeannette T. Disney

Date of acquisition, if new owner: June 18, 2021

Name & relationship of person filing request, if not owner: _____

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document the circumstances that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

See attached - It is the same explanation for both properties (1237 Russell and 2045 Emerson)

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

Date: 4/14/23 Signature: 

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: jeannettedisney@gmail.com

Mailing Address: 225 Jeanne Dr. Pleasant Hill, 94523

Phone Number: 925-324-6373 Fax Number: _____

Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.

I bought two Berkeley rental properties (1237 Russell St. and 2045 Emerson) which closed escrow on June 18th, 2021. I have never owned rentals in Berkeley and was unaware of the different housing programs. For 2021-2022, rent board fees were paid by the previous owners for one property and through my broker for the other property.

The following year, when I received the bills for 2022-2023, the rent board had not had the updated property owner address. Enclosed is a copy of an email from one of the previous owners telling the rent board that they were no longer the owners and the bills were going to the wrong address. When the rent board corrected the property owner information and when I received the bill, there were penalty fees. Very soon after, I spoke to the rent board and was instructed to write a check for \$962 (ck. #1530) for 2045 Emerson and \$1,500 (ck. #1542) for Russell. Feeling very relieved that whoever I spoke to excused the late fees, I wrote those checks on Oct. 24 and mailed them soon after.

Unfortunately, those checks were never cashed despite my attention to detail and notes on the envelope saying "attention to" ...the person who helped me. I no longer remember the person, otherwise I would inquire.

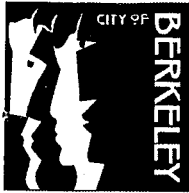
In January 2023, I received a bill and thought it was a mistake since I had mailed checks in October. In March when I got another bill, I realized something was wrong and with the help of Amanda Eberhart, realized that those checks had never been cashed.

The penalties are an unfortunate mistake and should be waived as there was much confusion with the transition of ownership and mistakes with billing for these two properties.

Sincerely,

Jeannette Disney

A handwritten signature in black ink, appearing to be 'Jeannette Disney', written in a cursive style.



Rent Stabilization Board

*4 piece of paper
and checks*

October 17, 2022

DISNEY JEANNETTE T TRUST
225 JEANNE DR
PLEASANT HILL, CA 94523

*962 Emerson
1,500 Russian
some checks only
two check*

*250
3000
12/1/20
145*

Re: 2045 EMERSON ST

Hello Property Owner:

It has come to this agency's attention that the above-referenced property has been rented and therefore subject to all requirements of the City of Berkeley Rent Stabilization Ordinance.

Properties that are subject to the Rent Stabilization Ordinance must be registered with the Rent Board. It is the owner's responsibility to notify the Rent Board of any change in the property's rental status within 60 days of the date of the status change. Registration fees are due July 1st of each year. Payments not received or postmarked by July 1st are subject to a 100% penalty. An additional 100% is applied every 6 months the fee remains unpaid.

Please find enclosed the:

Amended Registration Statement

Vacancy Registration Forms for Partially Covered Units (Measure MM)

Tenancy Registration Form, for Fully Covered Units (form required to be filed for the most recent tenancy only).

As long as the registration forms and/or any registration fees or penalties are outstanding, the entire property will be considered to be out of compliance with the registration requirement of the Ordinance. **Owners of properties that are out of compliance may not increase their tenants' rents, nor may they initiate eviction proceedings against their tenants.**

We encourage you to contact our office as soon as possible to resolve this matter. You may call our office at (510) 981-7368 and ask for the Registration Unit. Our office hours are: 9:00am - 2:00pm Monday, Tuesday, Thursday, and Friday. Our Office is closed on Wednesdays. Thank you for your attention.

Sincerely,

Amanda Eberhart
Registration Unit Manager

Property Detail Report

For Property Located At :

2045 EMERSON ST, BERKELEY, CA 94703-2501



Owner Information

Owner Name: **DISNEY JEANNETTE T TRUST**
 Mailing Address: **225 JEANNE DR, PLEASANT HILL CA 94523-2230 C004**
 Vesting Codes: **// RT**

Location Information

Legal Description:
 County: **ALAMEDA, CA** APN: **053-1592-007**
 Census Tract / Block: **4239.01 / 1** Alternate APN: **053159200700**
 Township-Range-Sect: Subdivision: **NEWBURY**
 Legal Book/Page: Map Reference: **4-B2 /**
 Legal Lot: **20** Tract #: **BERKELEY**
 Legal Block: **6** School District: **BERKELEY**
 Market Area: School District Name: **BERKELEY**
 Neighbor Code: Munic/Township: **BERKELEY INCORP**

Owner Transfer Information

Recording/Sale Date: **/** Deed Type:
 Sale Price: 1st Mtg Document #:
 Document #:

Last Market Sale Information

Recording/Sale Date: **06/18/2021 / 06/10/2021** 1st Mtg Amount/Type: **\$1,300,000 / CONV**
 Sale Price: **\$1,950,000** 1st Mtg Int. Rate/Type: **/ ADJ**
 Sale Type: **FULL** 1st Mtg Document #: **221366**
 Document #: **221365** 2nd Mtg Amount/Type: **/**
 Deed Type: **GRANT DEED** 2nd Mtg Int. Rate/Type: **/**
 Transfer Document #: Price Per SqFt: **\$642.72**
 New Construction: Multi/Split Sale:
 Title Company: **OLD REPUBLIC TITLE**
 Lender: **EXCHANGE BK**
 Seller Name: **PACIFIC BAY PARTNERS LLC**

Prior Sale Information

Prior Rec/Sale Date: **06/07/2019 / 05/08/2019** Prior Lender: **PRIVATE INDIVIDUAL**
 Prior Sale Price: **\$1,000,000** Prior 1st Mtg Amt/Type: **\$750,000 / PRIVATE PARTY**
 Prior Doc Number: **107733** Prior 1st Mtg Rate/Type: **/**
 Prior Deed Type: **GRANT DEED**

Property Characteristics

Gross Area: 3,034	Parking Type:	Construction: WOOD
Living Area: 3,034	Garage Area:	Heat Type:
Tot Adj Area:	Garage Capacity:	Exterior wall:
Above Grade:	Parking Spaces: 2	Porch Type:
Total Rooms:	Basement Area:	Patio Type:
Bedrooms: 6	Finish Bsmnt Area:	Pool:
Bath(F/H): 4 /	Basement Type:	Air Cond:
Year Built / Eff: 1909 / 1913	Roof Type:	Style: L-SHAPE
Fireplace: /	Foundation:	Quality: AVERAGE
# of Stories: 1.5	Roof Material:	Condition:
Other Improvements: Building Permit		

Addison, Athena

From: Rent Registry
Sent: Monday, October 17, 2022 4:06 PM
To: Addison, Athena
Subject: FW: 2045 Emerson Rent Stabilization Program

Internal

Thank you,
Amanda Eberhart
Registration Unit Manager
City of Berkeley | [Rent Stabilization Board](#)
510.981.4904

From: Tyler Eliopoulos <tyler@terrabayinv.com>
Sent: Sunday, October 16, 2022 3:53 PM
To: Rent Registry <rentregistry@cityofberkeley.info>
Subject: 2045 Emerson Rent Stabilization Program

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To Whom It May Concern,

Please take Pacific Bay Partners LLC off of any communication pertaining to 2045 Emerson St. We sold this property in June of 2021.

We received a mailing with an outstanding invoice for the rent stabilization program.

Thank you,
Tyler

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

DISJEA

DUE DATE

07/01/2022

JEANNETTE DISNEY
225 JEANNE DR
PLEASANT HILL, CA 94523

ASSESSOR PARCEL NUMBER : 053159200700
PROPERTY ADDRESS : 2045 EMERSON ST BERKELEY CA 94703

PIN : 211897

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	4	\$ 1,000.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	1	\$ 0.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

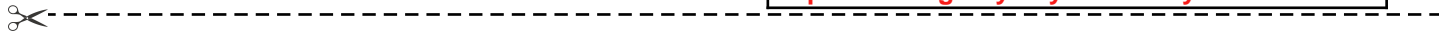
Current Fees	\$1,962.00
Previous Fees	\$0.00
Penalties	\$3,962.00
Total Due	\$5,924.00

This bill is past due. If payment is not made by the due date, a penalty will be assessed.

REQUIRED ACTION

Property owners may pay the amount on this billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.

If you wish to pay with a credit card you may do so in person at our office or online at:
<https://rentregistry.cityofberkeley.info>



Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS :	2045 EMERSON ST BERKELEY CA 94703
APN :	053159200700
BILLING CONTACT:	JEANNETTE DISNEY
CURRENT FEES :	\$1,962.00
PREVIOUS FEES:	\$0.00
PENALTIES :	\$3,962.00
TOTAL DUE :	\$5,924.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

2045 EMERSON ST
01/06/2023

UNIT STATUS: 5 UNITS 1 EXEMPT

CHANGE OF ADDRESS:

JEANNETTE DISNEY
225 JEANNE DR
PLEASANT HILL, CA 94523

JEANNETTE DISNEY
225 JEANNE DR
PLEASANT HILL, CA 94523

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
2043 EMERSON ST BERKELEY CA	A	SEC8-V	08/01/2014	06/27/2009
2043 EMERSON ST BERKELEY CA	B	RENTED	05/01/2010	05/01/2010
2043 EMERSON ST BERKELEY CA	C	RENTED	07/19/1995	01/23/2021
2045 EMERSON ST BERKELEY CA	LOWER	RENTED	08/01/2021	08/01/2021
2045 EMERSON ST BERKELEY CA	UPPER	RENTED	08/01/2021	08/01/2021

The 'Status Last Changed' indicates when the status of the unit last changed not necessarily the beginning of the current tenancy. Please make corrections to information directly on this form. If you make changes, return this form with your payment. If a unit listed here as exempt is now rented, a pro-rated registration fee is due. Please contact our Registration Unit at 510-981-7368 (981-Rent) for calculation of additional amount due.

I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____



Rent Stabilization Board

RENT STABILIZATION BOARD RENT REGISTRY NOTICE

PROPERTY ADDRESS: 2045 EMERSON ST BERKELEY CA
94703
ASSESSOR PARCEL NUMBER: 053159200700
PIN: 211897

JEANNETTE DISNEY
225 JEANNE DR
PLEASANT HILL, CA 94523

This notice is for owners who have **NOT** yet created an online account at the City of Berkeley's Rent Board Rent Registry at <https://rentregistry.cityofberkeley.info> and who wish to register their unit, claim an exemption, and/or pay registration fees online.

If you have not already created an account at the Rent Board's Rent Registry and wish to register online:

- Go to <https://rentregistry.cityofberkeley.info>. Create a user account by entering your email address and making a password.
- After your email address has been verified, you will be able to add the above-referenced property to your profile, using the APN and PIN information above. You will then be able to provide tenancy data, claim an exemption, and/or pay registration fees.

If you have already created an account at the Rent Registry and wish to register online:

- Go to <https://rentregistry.cityofberkeley.info> and log in using the email and password that you have already created. The above-referenced property should already be associated with your profile.

If you have any questions, please contact our Registration Unit at (510) 981-7368, Ext. 2, or via email at rentregistry@cityofberkeley.info. Staff is available Mondays, Tuesdays, Thursdays and Fridays from 9a.m - 2p.m. to answer your questions by phone or email. We are closed on Wednesdays.

Sincerely,

A handwritten signature in blue ink, appearing to read "DeSeana Williams".

DeSeana Williams
Executive Director

2125 Milvia Street, Berkeley, CA 94704
• TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4910
EMAIL: rent@cityofberkeley.info • WEB: www.cityofberkeley.info/rent

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5091	Property address: 1237 RUSSELL ST BERKELEY	Transferred: 06/18/2021
Exempt units (as of February 2021): Unit # 5 - SEC8-V - Rent Subsidized Tenant, Unit # 3 - SEC8-V - Rent Subsidized Tenant		
Owner(s): JEANNETTE DISNEY	Waiver filed by: OWNER	# of Units: 8
Other Berkeley rental property owned: 2045 EMERSON ST BERKELEY CA 94703		

Late payment/penalty history: This property was purchased by the current owner in 2021. Unfortunately, there are not 5 years of payment history to review.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				\$0.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: Owns or manages more than 11 units and property owner did not own the property

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2022-23	8	\$0.00	-	\$9,000.00	\$0.00	\$9,000.00
Totals				\$9,000.00	\$0.00	\$9,000.00

Grounds under Regulation 884(B): (6) The landlord requesting the waiver owns or manages 11 or more rental units
(7) The landlord requesting the waiver was not the owner of the property when the penalty first accrued

Good cause claimed by owner: The Rent Board never received the registration payments that were mailed.

Recommendation: Staff recommends waiving 100% of the penalty.

Staff Analysis: The Multi-residential property located at 1237 Russell is a fully covered property that has been owned by the current owner since 2021. The owner states in their waiver that, "the prior owner paid the 21/22 registration fees and when the 22/23 statements came, the Rent Board hadn't updated the property owner's address". In the waiver packet submitted by the owner is an email dated 10/16/2022, Unfortunately, this is the first communication received by the Rent Board informing us of the ownership change. The packet also includes the Rent Board New Owner letter dated 10/17/22. The New Owner Letter

states, "It is the owner's responsibility to notify the Rent Board of any change in rental status within 60 days of the change. A search of Rent Board records will show this owner owns one additional property at 2043-2045 Emerson for a total of 13 units between the two properties. Per regulation 883 B(6), this waiver qualifies as discretionary because the landlord requesting the waiver owns or manages more than 11 units; and per regulation 883 B (7) the landlord requesting the waiver was not the owner of the property when the penalty first accrued. Additionally, Rent Board Records will also show the billing code "DISJEA1" was listed under the 22/23 collections project for properties with unpaid registration fees (Please see attached collections letter and bill). During the collections project, the Registration Unit offered to waive 50% of the penalties so that properties could comply with the Registration Requirement of the Rent Ordinance. Unfortunately, the owner did not want to take the settlement offer at that time. After a complete review of the property account, Staff determined that the property owner did not own this property at the time the penalties were accrued. The previous owner of this property was Maximo Investments LLC. The LLC was the responsible party for the 18/19 through the 22/23 registration cycles. This property qualifies to have 100% of the penalty waived under regulation 883 B (7) because the current property owner did not own the property when the penalties accrued.

Public
CITY OF BERKELEY
RENT STABILIZATION PROGRAM
2125 Milvia Street, Berkeley, CA 94704
PHONE: (510) 981-7368 • FAX: (510) 981-4910
WEB: <https://rentboard.berkeleyca.gov>

RECEIVED

APR 18 2023

Initial: JD
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 1237 Russell St. Berkeley 94702

Owner: Jeannette Disney

Date of acquisition, if new owner: June 18, 2021

Name & relationship of person filing request, if not owner: _____

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document the circumstances that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

See attached - It is the same explanation for both properties (1237 Russell & 2015 Emerson)

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

Date: 4/14/23 Signature: 

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: jeannettedisney@gmail.com

Mailing Address: 225 Jeanne Dr. Pleasant Hill, 94523

Phone Number: 925-324-6373 Fax Number: _____

Please see Communications Disclaimer on Page 2 that applies to any personal information you provide.

I bought two Berkeley rental properties (1237 Russell St. and 2045 Emerson) which closed escrow on June 18th, 2021. I have never owned rentals in Berkeley and was unaware of the different housing programs. For 2021-2022, rent board fees were paid by the previous owners for one property and through my broker for the other property.

The following year, when I received the bills for 2022-2023, the rent board had not had the updated property owner address. Enclosed is a copy of an email from one of the previous owners telling the rent board that they were no longer the owners and the bills were going to the wrong address. When the rent board corrected the property owner information and when I received the bill, there were penalty fees. Very soon after, I spoke to the rent board and was instructed to write a check for \$962 (ck. #1530) for 2045 Emerson and \$1,500 (ck. #1542) for Russell. Feeling very relieved that whoever I spoke to excused the late fees, I wrote those checks on Oct. 24 and mailed them soon after.

Unfortunately, those checks were never cashed despite my attention to detail and notes on the envelope saying "attention to" ...the person who helped me. I no longer remember the person, otherwise I would inquire.

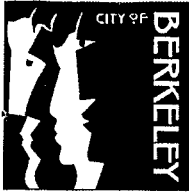
In January 2023, I received a bill and thought it was a mistake since I had mailed checks in October. In March when I got another bill, I realized something was wrong and with the help of Amanda Eberhart, realized that those checks had never been cashed.

The penalties are an unfortunate mistake and should be waived as there was much confusion with the transition of ownership and mistakes with billing for these two properties.

Sincerely,

Jeannette Disney

A handwritten signature in black ink, appearing to be 'Jeannette Disney', written in a cursive style.



Rent Stabilization Board

October 17, 2022

DISNEY JEANNETTE T TRUST
225 JEANNE DR
PLEASANT HILL, CA 94523

Re: 2045 EMERSON ST

Hello Property Owner:

It has come to this agency's attention that the above-referenced property has been rented and therefore subject to all requirements of the City of Berkeley Rent Stabilization Ordinance.

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Please find enclosed the:

Amended Registration Statement

Vacancy Registration Forms for Partially Covered Units (Measure MM)

Tenancy Registration Form, for Fully Covered Units (form required to be filed for the most recent tenancy only).

As long as the registration forms and/or any registration fees or penalties are outstanding, the entire property will be considered to be out of compliance with the registration requirement of the Ordinance. **Owners of properties that are out of compliance may not increase their tenants' rents, nor may they initiate eviction proceedings against their tenants.**

We encourage you to contact our office as soon as possible to resolve this matter. You may call our office at (510) 981-7368 and ask for the Registration Unit. Our office hours are: 9:00am - 2:00pm Monday, Tuesday, Thursday, and Friday. Our Office is closed on Wednesdays. Thank you for your attention.

Sincerely,

Amanda Eberhart
Registration Unit Manager

4 pieces of paper and checks
962 Emerson
1,500 Russell
some check on 1/1/20
two check on 1/1/20

250
2 | 3000
1200
12 | 1700
145

Property Detail Report

For Property Located At :

2045 EMERSON ST, BERKELEY, CA 94703-2501



RealQuest

Owner Information

Owner Name: **DISNEY JEANNETTE T TRUST**
 Mailing Address: **225 JEANNE DR, PLEASANT HILL CA 94523-2230 C004**
 Vesting Codes: **// RT**

Location Information

Legal Description:
 County: **ALAMEDA, CA** APN: **053-1592-007**
 Census Tract / Block: **4239.01 / 1** Alternate APN: **053159200700**
 Township-Range-Sect: Subdivision: **NEWBURY**
 Legal Book/Page: Map Reference: **4-B2 /**
 Legal Lot: **20** Tract #:
 Legal Block: **6** School District: **BERKELEY**
 Market Area: School District Name: **BERKELEY**
 Neighbor Code: Munic/Township: **BERKELEY INCORP**

Owner Transfer Information

Recording/Sale Date: **/** Deed Type:
 Sale Price: 1st Mtg Document #:
 Document #:

Last Market Sale Information

Recording/Sale Date: **06/18/2021 / 06/10/2021** 1st Mtg Amount/Type: **\$1,300,000 / CONV**
 Sale Price: **\$1,950,000** 1st Mtg Int. Rate/Type: **/ ADJ**
 Sale Type: **FULL** 1st Mtg Document #: **221366**
 Document #: **221365** 2nd Mtg Amount/Type: **/**
 Deed Type: **GRANT DEED** 2nd Mtg Int. Rate/Type: **/**
 Transfer Document #: Price Per SqFt: **\$642.72**
 New Construction: Multi/Split Sale:
 Title Company: **OLD REPUBLIC TITLE**
 Lender: **EXCHANGE BK**
 Seller Name: **PACIFIC BAY PARTNERS LLC**

Prior Sale Information

Prior Rec/Sale Date: **06/07/2019 / 05/08/2019** Prior Lender: **PRIVATE INDIVIDUAL**
 Prior Sale Price: **\$1,000,000** Prior 1st Mtg Amt/Type: **\$750,000 / PRIVATE PARTY**
 Prior Doc Number: **107733** Prior 1st Mtg Rate/Type: **/**
 Prior Deed Type: **GRANT DEED**

Property Characteristics

Gross Area: **3,034** Parking Type: Construction: **WOOD**
 Living Area: **3,034** Garage Area: Heat Type:
 Tot Adj Area: Garage Capacity: Exterior wall:
 Above Grade: Parking Spaces: **2** Porch Type:
 Total Rooms: Basement Area: Patio Type:
 Bedrooms: **6** Finish Bsmnt Area: Pool:
 Bath(F/H): **4 /** Basement Type: Air Cond:
 Year Built / Eff: **1909 / 1913** Roof Type: Style: **L-SHAPE**
 Fireplace: **/** Foundation: Quality: **AVERAGE**
 # of Stories: **1.5** Roof Material: Condition:
 Other Improvements: **Building Permit**

Addison, Athena

From: Rent Registry
Sent: Monday, October 17, 2022 4:06 PM
To: Addison, Athena
Subject: FW: 2045 Emerson Rent Stabilization Program

Internal

Thank you,
Amanda Eberhart
Registration Unit Manager
City of Berkeley | [Rent Stabilization Board](#)
510.981.4904

From: Tyler Eliopoulos <tyler@terrabayinv.com>
Sent: Sunday, October 16, 2022 3:53 PM
To: Rent Registry <rentregistry@cityofberkeley.info>
Subject: 2045 Emerson Rent Stabilization Program

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To Whom It May Concern,

Please take Pacific Bay Partners LLC off of any communication pertaining to 2045 Emerson St. We sold this property in June of 2021.

We received a mailing with an outstanding invoice for the rent stabilization program.

Thank you,
Tyler

PAST DUE

CITY OF BERKELEY
Rent Stabilization Program
2125 Milvia Street, Berkeley, CA 94704
Phone: 510-981-7368; Fax: 510-981-4910

REGISTRATION YEAR

07/01/2022 - 06/30/2023

BILLING CODE

DISJEA1

DUE DATE

07/01/2022

JEANNETTE DISNEY
225 JEANNE DR
PLEASANT HILL, CA 94523

ASSESSOR PARCEL NUMBER : 053166401200 **PIN :** 937686
PROPERTY ADDRESS : 1237 RUSSELL ST BERKELEY CA 94702

FEE STRUCTURE	Annual Fee Per Unit	Number of Units	Total
Fully Covered Units - (\$21/Month Prorated Fee)	\$ 250.00	6	\$ 1,500.00
Partially Covered (Measure MM) Units - (\$12/Month Prorated Fee)	\$ 150.00	0	\$ 0.00
Exempt Units	\$ 0.00	2	\$ 0.00

City of Berkeley Rent Stabilization Ordinance requires owners of residential units that are rented or available for rent to pay an annual registration fee by July 1. A 100 % penalty will be assessed on the outstanding registration fee in July and every six months that it remains unpaid. Formerly exempt units must be registered within 60 days to avoid the assessment of penalties.

This bill is past due. If payment is not made by the due date, a penalty will be assessed.

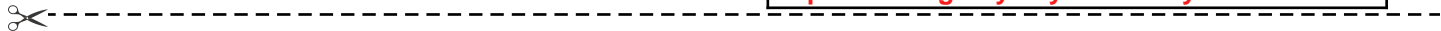
Current Fees	\$3,000.00
Previous Fees	\$0.00
Penalties	\$6,000.00
Total Due	\$9,000.00

REQUIRED ACTION

Property owners may pay the amount on this billing statement by mail with a check only. Make checks payable to the City of Berkeley. Do not mail cash or credit card information.

If you wish to pay with a credit card you may do so in person at our office or online at:

<https://rentregistry.cityofberkeley.info>



Mail To: **Registration Year:** 07/01/2022 - 06/30/2023 **Due Date:** PAST DUE

Berkeley Rent Board
2125 Milvia Street
Berkeley, CA 94704

PROPERTY ADDRESS : 1237 RUSSELL ST BERKELEY CA 94702
APN : 053166401200
BILLING CONTACT: JEANNETTE DISNEY
CURRENT FEES : \$3,000.00
PREVIOUS FEES: \$0.00
PENALTIES : \$6,000.00
TOTAL DUE : \$9,000.00

Units Paid For:

Amount Enclosed (Checks Only):



UNIT STATUS FORM

Rent Stabilization Board

1237 RUSSELL ST

01/06/2023

JEANNETTE DISNEY

225 JEANNE DR

PLEASANT HILL, CA 94523

JEANNETTE DISNEY

225 JEANNE DR

PLEASANT HILL, CA 94523

UNIT STATUS: 8 UNITS 2 EXEMPT

CHANGE OF ADDRESS:

Phone : _____

E-mail : _____

Unit Address	Unit No.	Current Status	Status Last Changed	Current Tenancy Started
1237 RUSSELL ST BERKELEY CA	1	RENTED	01/01/2013	01/01/2013
1237 RUSSELL ST BERKELEY CA	2	RENTED	10/29/2020	10/29/2020
1237 RUSSELL ST BERKELEY CA	3	SEC8-V	04/30/2020	05/31/1980
1237 RUSSELL ST BERKELEY CA	4	RENTED	07/15/2020	08/01/2021
1237 RUSSELL ST BERKELEY CA	5	SEC8-V	10/01/2009	05/31/1980
1237 RUSSELL ST BERKELEY CA	6	RENTED	10/15/2020	03/15/2021
1237 RUSSELL ST BERKELEY CA	7	RENTED	10/15/2020	10/15/2020
1237 RUSSELL ST BERKELEY CA	8	RENTED	08/14/2020	08/14/2020

The 'Status Last Changed' indicates when the status of the unit last changed not necessarily the beginning of the current tenancy. Please make corrections to information directly on this form. If you make changes, return this form with your payment. If a unit listed here as exempt is now rented, a pro-rated registration fee is due. Please contact our Registration Unit at 510-981-7368 (981-Rent) for calculation of additional amount due.

I declare under penalty of perjury that the information provided on this form is true and correct to the best of my knowledge and belief.

Signed: _____

Date: _____



Rent Stabilization Board

RENT STABILIZATION BOARD RENT REGISTRY NOTICE

PROPERTY ADDRESS: 1237 RUSSELL ST BERKELEY CA
94702
ASSESSOR PARCEL NUMBER: 053166401200
PIN: 937686

JEANNETTE DISNEY
225 JEANNE DR
PLEASANT HILL, CA 94523

This notice is for owners who have **NOT** yet created an online account at the City of Berkeley's Rent Board Rent Registry at <https://rentregistry.cityofberkeley.info> and who wish to register their unit, claim an exemption, and/or pay registration fees online.

If you have not already created an account at the Rent Board's Rent Registry and wish to register online:

- Go to <https://rentregistry.cityofberkeley.info>. Create a user account by entering your email address and making a password.
- After your email address has been verified, you will be able to add the above-referenced property to your profile, using the APN and PIN information above. You will then be able to provide tenancy data, claim an exemption, and/or pay registration fees.

If you have already created an account at the Rent Registry and wish to register online:

- Go to <https://rentregistry.cityofberkeley.info> and log in using the email and password that you have already created. The above-referenced property should already be associated with your profile.

If you have any questions, please contact our Registration Unit at (510) 981-7368, Ext. 2, or via email at rentregistry@cityofberkeley.info. Staff is available Mondays, Tuesdays, Thursdays and Fridays from 9a.m - 2p.m. to answer your questions by phone or email. We are closed on Wednesdays.

Sincerely,

A handwritten signature in blue ink, appearing to read "DeSeana Williams".

DeSeana Williams
Executive Director

2125 Milvia Street, Berkeley, CA 94704
• TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4910
EMAIL: rent@cityofberkeley.info • WEB: www.cityofberkeley.info/rent

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5092	Property address: 2315 ASHBY AVE,	Transferred: 02/12/2023
Exempt units (as of February 2021): None		
Owner(s): Sergei Shkurkin, Trustee	Waiver filed by: TRUSTEE	# of Units: 2
Other Berkeley rental property owned: None		

Late payment/penalty history: Unfortunately, there are not five years of fiscal history to review, this property registered for the first time in the 23/24 registration cycle.

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
-	-	-	-	-	-	-
Totals (penalties previously assessed)				\$0.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: Death						
Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2022-23	2	\$2,080.00	06/12/2023	\$205,708.00	\$202,780.00	\$3,000.00
Totals				\$205,708.00	\$202,780.00	\$3,000.00

Grounds under Regulation 884(B): (1) The good cause asserted in the waiver request is a death or illness in the landlord's family.

Good cause claimed by owner: Trustees did not know of registration requirement.

Recommendation: Staff recommends denying an additional credit of \$3,000 in penalties to the property because the Statute of Limitations was already applied to the property account.

Staff Analysis: The two-unit residential property located at 2315/2315A Ashby is a fully covered property that has been transferred to the current trustees in 2023. The trustee states in their waiver that, "the property was transferred on the date of death and the funeral arrangements took priority". The trustee also states, "It was unknown if the property was registered". A search of Rent Board records will show that upon the property's registration, the Rent Board was also made aware of two long-term tenancies on the property. Once those tenancies were registered with the Rent Board, the property had a total outstanding balance of \$214,982 which comprised of registration fees and penalties for 37 missed

registration cycles. Registration Administrators applied the Rent Board's Statute of Limitations to the property. This statute only charges the property registration fees and penalties for the last three registration cycles. This removed \$210,482 in outstanding fees and penalties from the account. The updated balance breakdown is as follows: \$580 for the current 23/24 registration fee, \$1,500 in previous registration fees, and \$3,000 in prior year penalties. The trustee paid a total of \$5,080 on 6/12/2023 to bring the account into compliance with the registration requirement of the Ordinance. Per regulation 884 B (1), this waiver qualifies as discretionary because the good cause asserted in the waiver request is a death or illness in the landlord's family. Staff notes, that the waiver form instructs property owners to attach evidence where possible to document the circumstances that prevented timely payment. Unfortunately, no additional documentation was provided by the trustee for the board's review.

CITY OF BERKELEY
RENT STABILIZATION PROGRAM
2125 Milvia Street, Berkeley, CA 94704
PHONE: (510) 981-7368 • FAX: (510) 981-4910
WEB: <https://rentboard.berkeleyca.gov>

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2315/2315A Asbj

Owner: The George V. Shkunkin Living Trust

Date of acquisition, if new owner: 2/12/23 - Date of George Shkunkin ~~Death~~ Death

Name & relationship of person filing request, if not owner: Sergei Shkunkin, Trustee

If, after reading the information on Page 2, you believe that you are entitled to a waiver of some or all of your late registration penalties, use the space below to explain why. Attach evidence, where possible, to document the circumstances that prevented timely payment, such as hospitalization or death in the family. It is your responsibility to convince the Board that your waiver should be granted, so state all facts and circumstances that support your case. **Please print or type clearly.** Attach an additional sheet of paper if needed.

Property was transfer on date of death. At that time we were out of the country. Upon return forward arrangements took priority. It was unknow if the property was registered, My wife, Carol Rosset emailed Marriet G. 11 of the Rent Board mid March. On March 31 they spoke and Marriet informed her that the property was not registered.

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

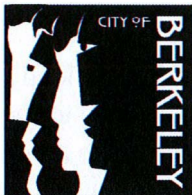
Date: 4/13/23 Signature: [Signature]

The information entered below **must be clearly printed or typed** in order to receive the Executive Director's recommendation to the Rent Board on your penalty waiver request one week prior to the Board's consideration of your request at its monthly meeting. The recommendation will also include the date, time and location of the meeting should you choose to attend and address the Commissioners.

Email Address: Sergei Shkunkin

Mailing Address: 1029 Clark Ct Davis, CA 95618

Phone Number: (916) 837-9050 Fax Number: N/A



Rent Stabilization Board
Legal Unit

MEMORANDUM

DATE: October 23, 2023

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Matt Brown, General Counsel *MB*

SUBJECT: 2024 ANNUAL GENERAL ADJUSTMENT STAFF REPORT

Recommendation

That the Board adopt Resolution 23-25 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%**. The LIRA Committee reviewed this report at its October 3, 2023 meeting.

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 23-25 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 23-25 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.



U.S. BUREAU OF LABOR STATISTICS

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: CUURS49BSA0

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: CUURS49BSA0

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 23-25

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:

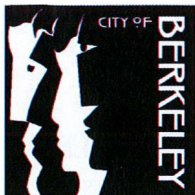
(1) Has failed to register any rental unit on the property in accordance with Section 8 of the Ordinance and/or orders or regulations of the Board, including the requirement to file a vacancy registration form at the beginning of a new tenancy commencing on or after January 1, 1996; or

(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

M E M O R A N D U M

DATE: October 23, 2023

TO: Honorable Members Berkeley Rent Stabilization Board

FROM: Matt Brown, General Counsel MB

SUBJECT: 2024 INFLATIONARY ADJUSTMENT OF RELOCATION ASSISTANCE PAYMENTS

Recommendation

That the Board adopt Resolution 23-26 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. The LIRA Committee reviewed this report at its October 3, 2023 meeting.

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 23-26 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 22-26 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

[More Formatting Options](#)

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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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](#)

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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 23-26

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 23-26

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



Rent Stabilization Board

DATE: October 23, 2023

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: DéSeana Williams, Executive Director

SUBJECT: Recommendation to adopt Resolution 23-27 authorizing the Executive Director to modify the payment terms of the contract with QuickCaption, Inc. for real-time remote closed captioning of all televised Board meetings and informational webinars for the 2023-2024 fiscal year

Recommendation:

That the Board adopt Resolution 23-27 authorizing the Executive Director to modify the payment terms of the contract with QuickCaption, Inc. for real-time remote closed captioning of all televised Board meetings and informational webinars for the 2023-2024 fiscal year (FY).

Background and Need for Board Action:

The Americans with Disabilities Act (ADA) requires the Rent Board to caption its televised meetings. Accordingly, the Board began captioning its meetings in January 2005. At that time, the Board adopted Resolution 05-01 authorizing the Executive Director “to enter into a contract or otherwise make the necessary arrangements to have televised broadcasts of Board meetings captioned.” In this resolution, the Board also stated that “[s]ubsequent funding for captioning services [was to] be reviewed and approved by the Board.”

In 2005, following review of the results of the City Clerk’s Request for Proposal (RFP) for closed captioning services, the Board entered into a contract with Theresa B. Darrenougue to provide real-time remote closed captioning services of all televised Rent Board meetings. Ms. Darrenougue provided excellent captioning services to the Board for nearly eleven years.

On August 1, 2014, following the City Clerk’s RFP for real-time remote closed captioning services, QuickCaption, Inc. was selected to caption Berkeley City Council and Zoning Adjustments Board meetings. City staff who worked closely with QuickCaption provided very positive feedback on this vendor’s staff and the quality of their captioning. In June of 2016, the Board approved a one-year contract with QuickCaption, Inc. in the amount \$7,000. The Board has subsequently authorized the amendment of that contract and additional funds when needed. The Executive Director has extended the current contract term through June of 2024.

Recommendation to modify contract with QuickCaption Inc.

Page 2

QuickCaption's hourly rate for real-time remote closed captioning recently increased from \$135 to \$143 per hour. Therefore, the current contract should be amended to reflect the new hourly rate. QuickCaption has continued to provide excellent captioning services to the Board and Board staff have appreciated their timely, effective communication with us and Berkeley Community Media. We therefore recommend that the Board adopt Resolution 23-27 authorizing the modification of the payment terms of this contract through the end of FY 2024.

Financial Impact:

There are sufficient funds in the FY 2023-24 budget to cover the anticipated expenditures under this contract.

Name and Telephone Number of Contact Person:

DéSeana Williams, Executive Director (510) 981-7368

Attachments:

1. QuickCaption contract proposal for FY 2023-24
2. Resolution 23-27

Public



3457 Arlington Avenue, Ste. 104
Riverside, California 92506
951-779-0787
www.QuickCaption.com

June 9, 2023

Aimee Mueller
City of Berkeley
Rent Stabilization Board
2125 Milvia Street
Berkeley, CA 94704

Re: Proposal for Fiscal Year 2023-2024

Aimee,

Following is our proposal for fees and terms for the FY July 1, 2023 through June 30, 2024:

- \$143.00 per hour (all-inclusive with unedited transcript)
- Active assignments are invoiced with a two-hour minimum; Invoiced in 30-minute increments thereafter
- Scheduled assignment encoder connections initiated 15 minutes prior to an event, no additional charge
- Scheduled assignment encoder connections in excess of 15 minutes to be invoiced
- Events rescheduled or canceled more than 48 business hours in advance - no charge
- Events rescheduled or canceled 48 business hours or less in advance - invoiced at two hours
- Addition of a meeting with more than 48 business hours' notice - no additional charge
- Addition of a meeting with 48 business hours or less notice - surcharge 20%
- No additional charges for evening or weekend meetings/assignments
- No additional charges for extended meetings
- No additional charge for pre-event preparatory or post-event editing
- Note: Business hours are Monday through Friday, 6:30 am to 8:30 pm PST, except government holidays

Please don't hesitate to contact me should you have any questions or concerns or need anything additional.
Have a GREAT day!

A handwritten signature in black ink that reads "Antha A. Ward".

Antha A. Ward
President
AAW/jp

RESOLUTION 23-27

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH QUICKCAPTION, INC. FOR CAPTIONING SERVICES OF TELEVISED BOARD MEETINGS AND INFORMATIONAL WEBINARS THROUGH JUNE 30, 2024

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

WHEREAS, the Rent Stabilization Board has elected to caption its televised meetings to comply with the Americans with Disabilities Act; and

WHEREAS, QuickCaption, Inc. has provided quality captioning for the City since August 1, 2014, at a rate that is representative of the current rate for real-time remote closed captioning services; and

WHEREAS, in June of 2016, the Board authorized the Executive Director to negotiate a contract for services with QuickCaption, Inc. in the amount of \$7,000 for the 2016-2017 fiscal year (FY); and

WHEREAS, the Board subsequently authorized the Executive Director to extend the contract with QuickCaption, Inc. and increase the contract amount on May 7, 2018, by Resolution 18-04; and on November 21, 2019, by Resolution 19-24; and on June 17, 2021, by Resolution 21-18; and on June 16, 2022, by Resolution 22-18; and

WHEREAS, there is a need to amend the current contract to reflect QuickCaption, Inc.'s new hourly rate for FY 2024; and

WHEREAS, Board staff remain very pleased with the captioning provided by QuickCaption, Inc., and recommend that the Board continue to retain their services; and

WHEREAS, sufficient funds are available in the FY 2023-2024 budget to cover the anticipated captioning costs for the Board's FY 2024 televised meetings.

RESOLUTION 23-27

AUTHORIZING THE EXECUTIVE DIRECTOR TO MODIFY THE CONTRACT WITH QUICKCAPTION, INC. FOR CAPTIONING SERVICES OF TELEVISED BOARD MEETINGS AND INFORMATIONAL WEBINARS THROUGH JUNE 30, 2024
(Page 2)

NOW, THEREFORE, BE IT RESOLVED that the Berkeley Rent Stabilization Board authorizes the Executive Director to modify the contract with QuickCaption, Inc., by amending the payment terms to reflect the current hourly rate through June 30, 2024. The total amount payable under this contract shall not exceed \$49,000 for FY 2024.

Dated: October 23, 2023

Adopted by the Rent Stabilization Board of the City of Berkeley by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



RENT STABILIZATION BOARD
BUDGET & PERSONNEL COMMITTEE MEETING

Thursday, October 5, 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/83818764151?pwd=1arusH5DzRdLRaVeZ6EVwJlx51Ov4E.1>. 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: 838 1876 4151 and Passcode: 183991. 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 amueller@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR BUDGET & PERSONNEL 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

RENT STABILIZATION BOARD
BUDGET & PERSONNEL COMMITTEE MEETING

Thursday, October 5, 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 (Huchiun-(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 agenda
4. Public comment
5. Approval of June 1, 2023, meeting minutes (attached to agenda)
6. **CLOSED SESSION:** Public Employee Evaluation of Performance pursuant to California Government Code Section 54957(b)(1).

Title: General Counsel
7. Staffing of the new Finance Unit and Rent Board staff vacancy update (verbal report only)
8. Office relocation process update (verbal report only)
9. Update on the Property Files Scanning Project (verbal update only)
10. Future agenda items

11. Discussion and possible action to set next meeting

12. Adjournment

STAFF CONTACT: DéSeana Williams, Executive Director (510) 981-7368

COMMITTEE: Dominique Walker (Chair), Soli Alpert, Leah Simon-Weisberg, Nathan Mizell



Rent Stabilization Board

RENT STABILIZATION BOARD
EVICITION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Tuesday, September 26, 2023 – 6:00 p.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd floor, Berkeley, CA 94704

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/89456470957?pwd=Z8rlRuWs5dvur3T330SACQq4P6pLZX.1>. 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: 894 5647 0957 and Passcode: 007044. 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 for the Committee's consideration and inclusion in the public record, email oeHLinger@cityofberkeley.info with the Subject line in this format: "PUBLIC COMMENT ITEM FOR EVICITION/SECTION 8 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 4:00 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. 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.

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Rent Stabilization Board

RENT STABILIZATION BOARD
EVICTIION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Tuesday, September 26, 2023 – 6:00 p.m.

Rent Stabilization Board Law Library – 2001 Center Street, 2nd floor, Berkeley, CA 94704

AGENDA

1. Roll call
2. Approval of the Agenda
3. Land Acknowledgment Statement: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(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.
4. Approval of Minutes of the July 18 meeting
5. Public Comment
6. Discussion and possible action regarding Measure AA Owner Move-in Eviction Report
7. Discussion and possible action regarding Ellis Act Withdrawal Eviction Report
8. Discussion regarding expiration of COVID-19 Eviction Moratorium
9. Discussion and possible action regarding future agenda items
10. Confirm next meeting date (Commissioners: please bring calendars to meeting)
11. Adjournment

STAFF CONTACT: Ollie Ehlinger, Staff Attorney – (510) 981-4924
COMMITTEE: Stefan Elgstrand (Chair), Xavier Johnson, Ida Martinac, Nathan Mizell



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.

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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:

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Rent Stabilization Board

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 (Huchiu-(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
OUTREACH COMMITTEE MEETING

Monday, October 16, 2023 – 6:00 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.

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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/81683210303?pwd=QXBUCVpuMVgyTkZqYnJOcUU5djNrQT09>.

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: 816 8321 0303 and Passcode: 411428. 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 for the Committee's consideration and inclusion in the public record, email ndahl@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 4:00 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.

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Rent Stabilization Board

RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING

Monday, October 16, 2023 – 6:00 p.m.

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

AGENDA

1. Roll call (1 min)
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(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 (2 min)
4. Approval of the Minutes of the September 11, 2023 Meeting (3 min)
5. Public Comment (5 min)
6. BUSD Outreach – Updates and sample ad for BUSD Directories (7 min)
7. UC Berkeley Outreach Efforts – Tenant's Rights Workshop Planning (7 min)
8. Eviction Moratorium Outreach Efforts Update (10 min)
9. Next Steps with Tenant Survey (15 min)
10. Next Meeting Nov. 13, 2023 – 6pm. (2 min)
11. Future Agenda Items (3 min)
12. Announcements (3 min)
13. Adjournment (2 min)

STAFF CONTACT: Nathan Dahl, Public Information Unit Manager (510) 981-4935
COMMITTEE: Soli Alpert (Chair), Stefan Elgstrand, Andy Kelley, Vanessa Marrero



4x4 Joint Task Force Committee on Housing
City Council and Rent Board

**4 X 4 JOINT TASK FORCE COMMITTEE ON HOUSING
CITY COUNCIL/RENT STABILIZATION BOARD**

**Tuesday, October 24, 2023 – 3:00 p.m.
2180 Milvia Street, 1st Floor, Cypress Room, Berkeley**

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

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4x4 Joint Task Force Committee on Housing
City Council and Rent Board

AGENDA

4 X 4 JOINT TASK FORCE COMMITTEE ON HOUSING CITY COUNCIL/RENT STABILIZATION BOARD

Tuesday, October 24, 2023 – 3:00 p.m.

2180 Milvia Street, 1st Floor, Cypress Room, Berkeley

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 (Huchiu-(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. Public comment on non-agenda matters
5. Approval of September 27, 2023 Committee meeting minutes (see attachment)
6. Discussion and possible recommendations to City Council regarding amendments to the Demolition Ordinance (Planning Department, see attachment)
7. Discussion and possible action regarding the scheduling of future 4x4 Joint Committee meetings (Be Tran, Rent Board)
8. Discussion of possible future agenda items
9. Confirm next meeting date
10. Adjournment

COMMITTEE MEMBERS:

Mayor Jesse Arreguín
City Councilmember Sophie Hahn
City Councilmember Kate Harrison
City Councilmember Rigel Robinson

Rent Board Chairperson Leah Simon-Weisberg
Rent Board Commissioner Xavier Johnson
Rent Board Commissioner Vanessa Danielle Marrero
Rent Board Commissioner Dominique Walker



4x4 Joint Task Force Committee on Housing
City Council and Rent Board

**4 X 4 JOINT TASK FORCE COMMITTEE ON HOUSING
CITY COUNCIL/RENT STABILIZATION BOARD**

Wednesday, September 27, 2023 – 3:00 p.m.

2180 Milvia Street, 1st Floor, Cypress Room, Berkeley

Teleconference location: 3655 S Grand Ave, #250, Los Angeles, CA 90007

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4x4 Joint Task Force Committee on Housing
City Council and Rent Board

**4 X 4 JOINT TASK FORCE COMMITTEE ON HOUSING
CITY COUNCIL/RENT STABILIZATION BOARD**

Wednesday, September 27, 2023 – 3:00 p.m.

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Teleconference location: 3655 S Grand Ave, #250, Los Angeles, CA 90007

Minutes – To Be Approved

- 1. Roll call:** Mayor Arreguín called the meeting to order at 3:08 p.m.
Present: Mayor Arreguín (left at 5:00 p.m.), CM Hahn (left at 5:00 p.m.), CM Harrison, RBC Johnson, RBC Marrero, CM Robinson, RB Chair Simon-Weisberg (via Zoom), RBC Walker (arrived at 3:27 p.m.)
Absent: None.
Staff present: Matt Brown, Lief Bursell, Lourdes Chang, Nate Dahl, Brendan Darrow, Stefan Elgstrand, Ollie Ehlinger, Margo Ernst, Jen Fabish, Justin Horner, Hannah Kim, Jordan Klein, Kieron Slaughter, Be Tran, Mike Uberti, DéSeana Williams.
- 2. Land Acknowledgment Statement:** *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(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.*

The Land Acknowledgement Statement was read aloud.
- 3. Approval of the agenda:** M/S/C (Arreguín/Harrison) Approve the agenda as written. Roll call vote. YES: Arreguín, Hahn, Harrison, Johnson, Marrero, Robinson, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Walker. Carried: 7-0-0-1.
- 4. Public comment on non-agenda matters:** There were four speakers.
- 5. Approval of May 2, 2023 Committee meeting minutes (see attachment):** M/S/C (Robinson/Harrison) Approve the minutes as written. Roll call vote. YES: Arreguín, Hahn, Harrison, Johnson, Marrero, Robinson, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Walker. Carried: 7-0-0-1.

6. Discussion regarding recent eviction activities (Nate Dahl, Rent Board): Nate Dahl, Rent Board Public Information Unit Manager, presented. Representatives from Satellite Affordable Housing Associates, and Peter Selawsky from the Eviction Defense Center provided additional information during the committee’s discussion.

There were three public speakers.

7. Discussion and possible recommendations to City Council regarding amendments to the Demolition Ordinance (Planning Department, see attached February 1, 2023 staff report to the Planning Commission and proposed amendment language from Chair Simon-Weisberg): Chair Simon-Weisberg presented on her proposed amendment language. Jordan Klein, Planning Department Director, Brendan Darrow, Assistant City Attorney, and Matt Brown, Rent Board General Counsel, provided feedback. The committee discussed the item, but no action was taken.

There were no public speakers.

8. Update on the Ronald V. Dellums Fair Chance Access to Housing Ordinance activities (Nate Dahl, Rent Board): This item was not taken up due to time constraints.
9. Discussion and possible action regarding the scheduling of future 4x4 Joint Committee meetings (Be Tran, Rent Board): This item was not taken up due to time constraints.
10. Discussion of possible future agenda items: This item was not taken up due to time constraints.
11. Confirm next meeting date: This item was not taken up due to time constraints.
12. Adjournment: M/S/C (Harrison/Robinson) Adjourn the meeting. Roll call vote. YES: Harrison, Johnson, Marrero, Robinson, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: Arreguín, Hahn. Carried: 6-0-0-2.

The meeting adjourned at 5:07 p.m.

COMMITTEE MEMBERS:

Mayor Jesse Arreguín	Rent Board Chairperson Leah Simon-Weisberg
City Councilmember Sophie Hahn	Rent Board Commissioner Xavier Johnson
City Councilmember Kate Harrison	Rent Board Commissioner Vanessa Danielle Marrero
City Councilmember Rigel Robinson	Rent Board Commissioner Dominique Walker

ORDINANCE NO.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 23.326, DEMOLITION AND
DWELLING UNIT CONTROLS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 23.326 is hereby amended to read as follows:

Chapter 23.326 DEMOLITION AND DWELLING UNIT CONTROLS

Sections:

- 23.326.010 Chapter Purpose.
- 23.326.020 General Requirements.
- 23.326.030 Demolition of Residential Units.
- 23.326.040 Eliminating Dwelling Units through Combination with Other Units.
- 23.326.050 Demolition of Accessory Buildings.
- 23.326.060 Private Right of Action.
- 23.326.070 Demolition of Non-Residential Buildings.
- 23.326.080 Building Relocations.
- 23.326.090 Limitations.

23.326.010 Chapter Purpose.

This chapter establishes demolition and dwelling unit control standards that promote the affordable housing and safety goals of the City.

23.326.020 General Requirements.

A. No Residential Unit or units may be eliminated or demolished except as authorized by this chapter.

- 1. "Residential Unit" means, for purposes of this Chapter, any Dwelling Unit, any Live-Work Unit, any Residential Hotel unit, or any bedroom of

a Group Living Accommodation (GLA) except a GLA in a University-recognized fraternity, sorority or co-op.

2. "Residential Unit" includes any Accessory Dwelling Unit or Junior Accessory Dwelling Unit to the extent that tenant notice, protections for eviction and relocation benefits outlined in this ordinance shall apply to any Accessory Dwelling Unit or Junior Accessory Dwelling Unit that is removed from the rental market.
3. "Residential Unit" includes Dwelling Units created without proper Use Permit(s) or Building Permit(s) if they have been registered with the Rent Stabilization Board or there is substantial evidence of a tenant-landlord relationship during the preceding five years to the extent that tenant notice, protections for eviction and relocation benefits outlined in this ordinance shall apply to an illegal unit that is removed from the rental market.
4. "Comparable Unit" means a dwelling unit of similar size (square footage and number of bedrooms), amenities (private open space and common facilities) and location within the city (neighborhood and school attendance area).

23.326.030 Demolition of Residential Units.

A. *Limitation.* Demolition is not allowed if:

1. The unit (or units) was removed from the rental market through a no-fault eviction during the preceding five years; or
2. There is substantial evidence of harassment or threatened or actual illegal eviction during the immediately preceding three years. Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner, whose determination may be appealed to the Rent Stabilization Board.

B. *Procedure and Findings.* A Use Permit is required to eliminate or demolish one or more Residential Units, except where otherwise provided by the Zoning Ordinance. The Board shall only approve the Use Permit if one of the following is true:

1. The building containing the units is hazardous or unusable and is infeasible to repair.
2. The building containing the unit(s) will be moved to a different location within Berkeley with no net loss of units and no change in the rent levels of the unit(s).
3. The demolition is necessary to permit construction of socially and/or economically beneficial uses that serve the greater good of the community.
4. The demolition is necessary to permit construction approved pursuant to this chapter of at least the same number of dwelling units.

C. *Conditions of Approval.* Any Residential Unit(s) that will be demolished shall be replaced with equivalent units and comply with applicable affordability requirements in Chapter 23.328 [Affordable Housing Requirements] and Chapter 23.330 [Density Bonus] as they may be amended from time to time.

1. In the event that a displaced household has an income below 50% AMI, a comparable replacement unit shall be offered at a rent that is affordable to households at 30% of AMI, and the displaced household shall have the first right of refusal for that unit. Such a unit shall be counted as a Very Low-Income unit for applicable affordability requirements in Chapter 23.328.

D. *Requirements for Occupied Units.*

1. *Applicability.* The following requirements do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction.
2. *Notice.* The applicant shall provide all sitting tenants and the Rent Stabilization Board notice of the application to demolish the unit(s) no later than the date the application is submitted to the City, including notice of their rights under Municipal Code Chapter 13.76 (Rent Stabilization and Eviction for Good Cause Program), Chapter 13.77 (Requirements, Procedures, Restrictions and Mitigations Concerning the Withdrawal of Residential Rental Accommodations from Rent or Lease), 13.79 (Tenant Protections: Automatically Renewing Leases and Buyout Agreements) and 13.84 (Relocation Services and

Payments for Residential Tenant Households).

3. *General Requirements.*

(a) The applicant shall provide assistance with moving and relocation assistance equivalent to the requirements set forth in Municipal Code Chapter 13.84 or Government Code section 66300(d)(2)(D)(i), whichever requires greater relocation assistance to displaced tenants, and shall not be subject to the limitations in section 13.84.070.B.3(a). The applicant shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Tenants shall have until the date that the new units are ready for occupancy to decide whether to move into the newly constructed building. Funding for the rent differential shall be guaranteed in a manner approved by the City Council by Resolution; provided, however, that any project that is carried out or funded by the state or federal government shall be subject to applicable provisions of the California Relocation Act (Government Code section 7260 *et seq.*) and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. sections 4601-4655).

(b) *Exception.* An applicant who proposes to construct a 100-percent affordable housing project is not required to comply with this subsection but must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended and the California Relocation Act (Government Code sections 7260 *et seq.*).

4. *Sitting Tenants Rights.*

(a) Any tenant of a Residential Unit that is permitted to be demolished under this section shall have the right of first refusal to rent a comparable unit in the new project.

(b) In the event that a displaced household is ineligible for Below-Market Rate replacement units, a market rate unit shall be made available to that household at the same rent as had been previously charged, or a lesser

rent if that is the market rate.

Where a displaced tenant exercises the right to rent a comparable unit, any increase in rent for the comparable unit for the duration of their tenancy shall be no greater than the lesser of 65% of the 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 December 31) or 65% of the corresponding increase in Area Median Income (AMI) for the same calendar year.

(c) *Exception.*

i. An applicant who proposes to construct a 100 percent affordable housing project is not required to comply with the preceding requirements but must comply with the following requirement.

ii. Sitting tenants who are displaced as a result of demolition and who desire to return to the newly constructed affordable housing project will be granted a right of first refusal subject to their ability to meet income qualifications and other applicable eligibility requirements.

23.326.040 Eliminating Dwelling Units through Combination With Other Units.

A. Process for Projects Where Density Exceeds Current Allowance. A Use Permit is required to eliminate one or more Residential Units by combining with another unit when the existing development exceeds currently-allowable density. The ZAB shall approve a Use Permit for the elimination of one or more Residential Units by combining with another unit only if it finds that:

1. The existing number of units exceeds the current maximum allowed residential density in the zoning district where the units are located; and

2. One of the following is true:

(a) One of the affected units has been occupied by the applicant's household

as its principal place of residence for no less than two years before the date of the application and none of the affected units are currently occupied by a tenant.

(b) All of the affected units are being sold by an estate and the decedent occupied the units as their principal residence for no less than two years before the date of their death.

B. *Process for Projects That Restore Original Development Density.* The Zoning Officer may issue an Administrative Use Permit (AUP) for a building conversion which eliminates a dwelling unit upon finding that the conversion will restore or bring the building closer to the original number of dwelling units that was present at the time it was first constructed.

C. *Limitations.* Combination is not allowed if:

1. The building was removed from the rental market through a no fault eviction during the preceding five years; or
2. There is substantial evidence of harassment or threatened or actual illegal eviction during the immediately preceding three years. Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner, whose determination may be appealed to the Rent Stabilization Board.

D. *Two-Year Occupancy Requirement Following Elimination*

1. If a unit that is eliminated through combination is not occupied by the applicant's household for at least two consecutive years from the date of elimination, the affected unit must be restored to separate status.
2. This requirement shall be implemented by a condition of approval and a notice of limitation on the property, acceptable to the City of Berkeley.
3. The condition and notice will provide that if the owner's household does not occupy the unit for at least two years from the date of elimination then the affected units must either be restored as separate dwelling units and the vacant unit(s)

offered for rent within six months or the owner must pay a fee of \$75,000 in 2013 dollars, adjusted in May of each year according to the Consumer Price Index for the San Francisco Bay Area. The fee shall be deposited into the City of Berkeley's Housing Trust Fund.

4. The City of Berkeley may exempt an applicant from the two-year residency requirement if there is an unforeseeable life change that requires relocation.

E. *Effect of Eliminating a Dwelling Unit.*

1. If eliminating a dwelling unit reduces the number of units in a building to four, the applicant shall record a notice of limitation against the subject property that the limitation on eviction of tenants under Chapter 13 (Public Peace, Morals and Welfare) shall continue to apply until:

(a) The building is demolished; or

(b) Sufficient units are added or restored such that the building contains at least five units.

2. The Zoning Officer may issue an AUP for a building conversion which eliminates a dwelling unit upon finding that the conversion will restore or bring the building closer to the original number of dwelling units that was present at the time it was first constructed, provided the conversion meets the requirements of 23.326.040.A.1 and 2 and 23.326.040.B and C.

F. *Exception.* The ZAB may approve a Use Permit to eliminate a dwelling unit through combination with another dwelling unit for the purpose of providing private bathrooms, kitchenettes, accessibility upgrades, and/or seismic safety upgrades to single-resident occupancy rooms in residential developments undergoing a publicly-funded rehabilitation.

23.326.050 Demolition of Accessory Buildings.

Notwithstanding anything in Municipal Code Title 23 (Zoning Ordinance) to the contrary, but subject to any applicable requirements in Municipal Code Section 3.24 (Landmarks Preservation Ordinance), Accessory Buildings of any size, including, but not limited to, garages, carports, and sheds may be demolished by right except where the Accessory

Building is occupied by a residential tenant (regardless of whether it is lawfully permitted) or otherwise contains a lawfully established residential unit, which serves and is located on the same lot as a lawful residential use.

23.326.060 Private Right of Action.

Any affected tenant may bring a private action for injunctive and/or compensatory relief against any applicant and/or owner to prevent or remedy a violation of Sections 23.326.030 (Eliminating Dwelling Units through Demolition) and 23.326.040 (Eliminating Dwelling Units through Conversion and Change of Use). In any such action a prevailing plaintiff shall recover reasonable attorney's fees.

23.326.070 Demolition of Non-Residential Buildings.

A. *Main Non-Residential Buildings.* A Use Permit is required to demolish a main building used for non-residential purposes on any lot.

B. *Accessory Buildings.* For any lot located in a non-residential zoning district, Accessory Buildings may be demolished as follows:

1. Demolishing an accessory building with less than 300 square feet of floor area is permitted as of right.
2. An accessory building with 300 square feet or more of floor area may be demolished with an AUP.

C. *Landmarks Preservation Commission Review.*

1. Any application for a Use Permit or AUP to demolish a non-residential building or structure that is 40 or more years old shall be forwarded to the Landmarks Preservation Commission (LPC) for review before consideration of the Use Permit or AUP.
2. The LPC may initiate a landmark or structure-of-merit designation or may choose solely to forward to the ZAB or Zoning Officer its comments on the application.
3. The ZAB or Zoning Officer shall consider the recommendations of the LPC when acting on the application.

D. *Findings.* A Use Permit or an AUP for demolition of a main building used for non-residential purposes on any lot or an accessory building located on a lot in a non-residential district may be approved only if the ZAB or the Zoning Officer finds that:

1. The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley; and
2. The demolition:
 - (a) Is required to allow a proposed new building or other proposed new use;
 - (b) Will remove a building which is unusable for activities which are compatible with the purposes of the district in which it is located or which is infeasible to modify for such uses;
 - (c) Will remove a structure which represents an uninhabitable attractive nuisance to the public; or
 - (d) Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration that it is infeasible to obtain prior or concurrent approval for the new construction or new use which is contemplated by such specific plans or projects and that adhering to such a requirement would threaten the viability of the plan or project.

23.326.080 Building Relocations.

A. *Treatment of Building Relocation.*

1. Relocating a building from a lot is considered a demolition for purposes of this chapter.
2. Relocating a building to a lot within the city is considered new construction and is subject to all requirements applicable to new construction.
3. When a building is relocated to a different lot within Berkeley, the lot from which the building is removed shall be known as the source lot and the lot on which the building is to be sited shall be known as the receiving lot.

B. *Findings.* The Zoning Officer shall approve Zoning Certificate to relocate a building

upon finding that the resulting development on the receiving lot is in conformance with applicable zoning code development standards.

23.326.090 Limitations.

A. *Unsafe, Hazard, or Danger.*

1. Notwithstanding anything to the contrary, if a building or structure is unsafe, presents a public hazard, and is not securable and/or is in imminent danger of collapse so as to endanger persons or property, as determined by the city's building official, it may be demolished without a Use Permit.

2. The Building Official's determination in this matter shall be governed by the standards and criteria in the most recent edition of the California Building Code that is in effect in the City of Berkeley.

B. *Ellis Act.* This chapter shall be applied only to the extent permitted by state law as to buildings which have been entirely withdrawn from the rental market pursuant to the Ellis Act (California Government Code Chapter 12.75).



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REVISED AGENDA

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Teleconference location: 3655 S Grand Ave, #250, Los Angeles, CA 90007

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 (Huchiun-(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. Public comment on non-agenda matters
5. Approval of May 2, 2023 Committee meeting minutes (see attachment)
6. Discussion regarding recent eviction activities (Nate Dahl, Rent Board)
7. Discussion and possible recommendations to City Council regarding amendments to the Demolition Ordinance (Planning Department, see attached February 1, 2023 staff report to the Planning Commission and proposed amendment language from Chair Simon-Weisberg)
8. Update on the Ronald V. Dellums Fair Chance Access to Housing Ordinance activities (Nate Dahl, Rent Board)
9. Discussion and possible action regarding the scheduling of future 4x4 Joint Committee meetings (Be Tran, Rent Board)
10. Discussion of possible future agenda items
11. Confirm next meeting date
12. Adjournment

COMMITTEE MEMBERS:

Mayor Jesse Arreguín
City Councilmember Sophie Hahn
City Councilmember Kate Harrison
City Councilmember Rigel Robinson

Rent Board Chairperson Leah Simon-Weisberg
Rent Board Commissioner Xavier Johnson
Rent Board Commissioner Vanessa Danielle Marrero
Rent Board Commissioner Dominique Walker



4x4 Joint Task Force Committee on Housing
City Council and Rent Board

**4 X 4 JOINT TASK FORCE COMMITTEE ON HOUSING
CITY COUNCIL/RENT STABILIZATION BOARD**

**Tuesday, May 2, 2023 – 3:00 p.m.
2180 Milvia Street, 1st Floor, Cypress Room, 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://cityofberkeley-info.zoomgov.com/j/1619359698?pwd=bHRJSHp5Z2MyMTNPOXB0WDIhcEJRUT09>. 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 1-669-254-5252 and enter Webinar ID: 161 935 9698 and Passcode: 435279. 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 a written communication for the Committee's consideration and inclusion in the public record, email btran@cityofberkeley.info with the Subject line in this format: "PUBLIC COMMENT ITEM FOR 4 X 4 COMMITTEE." Please observe a 150-word limit. **Email comments must be submitted to the email address above by 1:00 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 will 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. 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.



4x4 Joint Task Force Committee on Housing
City Council and Rent Board

**4 X 4 JOINT TASK FORCE COMMITTEE ON HOUSING
CITY COUNCIL/RENT STABILIZATION BOARD**

Tuesday, May 2, 2023 – 3:00 p.m.

2180 Milvia Street, 1st Floor, Cypress Room, Berkeley

Minutes – To Be Approved

1. Roll call. Mayor Arreguín called the meeting to order at 3:09 p.m.
Present: Mayor Arreguín, CM Hahn, CM Harrison, RBC Johnson, RBC Marrero, RB Chair Simon-Weisberg, RBC Walker.
Staff present: Matt Brown, Lief Bursell, Nate Dahl, Margot Ernst, Ollie Ehlinger, Jen Fabish, Be Tran, Lisa Warhuus, DéSeana Williams.
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochoenyó (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.*

The Land Acknowledgement Statement was read aloud.
3. Approval of the agenda: M/S/C (Robinson/Simon-Weisberg) Approve the agenda as written. Roll call vote. YES: Arreguín, Hahn, Harrison, Johnson, Marrero, Robinson, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.
4. Public comment on non-agenda matters: There was one speaker.
5. Approval of February 15, 2023 Committee meeting minutes (see attachment): M/S/C (Robinson/Harrison) Approve the minutes as written. Roll call vote. YES: Arreguín, Hahn, Harrison, Johnson, Marrero, Robinson, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.

6. Discussion regarding outreach to property owners and tenants on the Eviction Moratorium (requested by Mayor Arreguín): Rent Board Public Information Unit Manager Nate Dahl provided an overview of the outreach done to date, and outreach currently planned for the future. The committee discussed several additional avenues of outreach and the funding that would be necessary to achieve them. The committee also discussed the requirement that a tenant provide proof of a COVID-related hardship before the expiration of an eviction notice.

There were three public speakers.

7. Discussion and possible recommendations regarding the Housing Retention Program (staff from the Eviction Defense Center): Health Housing and Community Services Department Head Lisa Warhuus introduced Anne Omura, the Executive Director of the Eviction Defense Center, who provided an update on the status of funding for the Housing Retention Program and statistics on who is being served by the program. The committee discussed this information and possibilities for additional funding.

There were two public speakers.

8. Discussion regarding the approval process for messages in the City of Berkeley's Newsletter, such as the recent message to promote short-term rentals (requested by Councilmember Hahn): CM Hahn shared with the committee the explanation she received from the City's Communications Unit on how the short-term rentals message came into being, which prompted a discussion on this and other matters related to short-term rentals.

There were two public speakers.

9. Quick updates on previously discussed items
 - a. Tenant Habitability Plan (Mayor Arreguín): Mayor Arreguín shared that Tenant Habitability Plan will likely go before Council in June with the Land Use Committee's positive recommendation.

There were no public speakers.

10. Discussion of possible future agenda items

11. Confirm next meeting date: The committee agreed to try to meet in June with the specific date to be determined.

12. Adjournment: M/S/C (Harrison/Robinson). The meeting adjourned by unanimous consent of the committee at 4:59 p.m.

COMMITTEE MEMBERS:

Mayor Jesse Arreguín

City Councilmember Sophie Hahn

City Councilmember Kate Harrison

City Councilmember Rigel Robinson

Rent Board Chairperson Leah Simon-Weisberg

Rent Board Commissioner Xavier Johnson

Rent Board Commissioner Vanessa Danielle Marrero

Rent Board Commissioner Dominique Walker

Planning Commission
February 1, 2023



Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: February 1, 2023

TO: Members of the Planning Commission

FROM: Steven Buckley, Land Use Planning Manager

SUBJECT: Zoning Ordinance Amendments to Berkeley Municipal Code Chapter 23.326 [Demolition and Dwelling Unit Controls]

BACKGROUND

The Planning Commission is asked to make a recommendation to the City Council regarding amendments to the demolition ordinance (Berkeley Municipal Code Chapter 23.326). The existing and proposed ordinance are presented in Attachments 1 and 2, respectively. A comparison of the two versions is provided in Attachment 3. Excerpts of relevant State law are provided in Attachment 4.

The impetus for these revisions is recent changes in State law that provide additional requirements for new housing development projects that involve the demolition of existing residential units. These provisions of the Housing Crisis Act of 2019, which modified Government Code sections relating to zoning and density bonus, require all new housing development projects to provide replacement units of equivalent size, defined as having the same number of bedrooms as the demolished units.

The State law provides optional ways to comply depending on whether the units were occupied or vacant, whether those tenants were low income, whether the units were subject to local rent control (in Berkeley, this would be most properties with more than two units built before 1980), and whether the units were removed from the rental market pursuant to the Ellis Act (which allows landlords to “go out of the rental business”). In particular, replacement units required by the Housing Crisis Act of 2019, may be deed restricted to low income households or they may be subject to local rent control. The law also addresses the rights of existing tenants that would be displaced by demolition, including relocation benefits and a right of first refusal to return to the new units at an affordable rent.

Density bonus law now mirrors these requirements. This law goes on to specifically address requirements where units are vacant and/or existing tenant incomes are not known, and thus the level of affordability of replacement units must be inferred from HUD data for the community and distributed accordingly.

Summary of Existing Demolition Ordinance Provisions

The existing demolition ordinance addresses issues similar to the new State law, as well as additional situations such as when housing units are demolished and no new housing units are being developed at the site (e.g. commercial development), when tenants have been unlawfully evicted, and when units are being merged or converted within an existing building rather than physical demolished.

A Use Permit is required for the demolition or other elimination of a dwelling unit in Berkeley. The Zoning Adjustments Board (ZAB) may issue a Use Permit for the demolition of a dwelling unit for specific enumerated reasons, including in instances where a building is “hazardous or unusable and is infeasible to repair” or “demolition is necessary to permit construction... of at least the same number of dwelling units.” Before permitting the demolition of a dwelling unit, ZAB must also find that “the elimination of the dwelling units would not be materially detrimental to the housing needs and public interest of the affected neighborhood and the City.” Finally, applicants must either provide below-market-rate replacement units to “qualifying household[s]” or pay an in-lieu fee (but the fee has never been set).

Demolition of dwelling units is prohibited where a building has been removed from the rental market under the Ellis Act during the preceding five years or where there have been verified cases of harassment or threatened or actual illegal eviction during the immediately preceding three years. Applicants are generally required to provide relocation benefits, including moving expenses and differential rent payments. In addition, displaced tenants are provided a right of first refusal to rent new units. Most of these provisions are carried forward in the proposed ordinance.

Previous Discussions

Planning Commission. On October 19, 2022, the Planning Commission considered the most recent version of proposed amendments.

Staff provides the following response to questions raised during the Commission’s discussion.

- Does this ordinance apply to condominium conversions?
 - The ordinance does not apply to condominium conversions because the housing unit remains physically available as housing. However, a mitigation fee is required upon sale to recoup some of the value

differential, if any, which is placed into the Housing Trust Fund to provide affordable housing elsewhere in the city.

- Would displaced tenants be able to return at the same rent in a “market rate” unit?
 - Yes, for tenants that are not low income, the proposed ordinance requires a form of rent control in a replacement unit that is not designated as one of the below-market-rate (BMR) replacement units equivalent to their prior rent for the duration of their tenancy. The Commission requested clarification of the income restrictions / rent / BMR requirements, which is provided in the revised draft attached to this report.

- Did SB330 override Costa-Hawkins (which prohibits the imposition of rent control on new dwelling units) to allow rent control / BMR units for the new project?
 - Yes, SB330 allows the imposition of rent control if it is required by local ordinance. In Berkeley, the citywide rent control ordinance does not apply to new units, but this demolition ordinance is being drafted to mimic rent control by limiting the annual rent increases for any tenant that returns to a new unit for the duration of that tenancy, in addition to the requirement that all of the demolished units be replaced as BMR units in perpetuity.

- Would there be a “right of return” for existing tenants even if demolition would be for the purpose of constructing a project that contains only affordable units?
 - To the extent a displaced tenant could qualify for one of the replacement units, then they would have a right of first refusal. However, because of how they are funded and operated, 100%-affordable projects would not be required to provide additional units for those tenants that do not income-qualify. However, those displaced tenants would receive all of the specified relocation benefits.

- Is the University of California required to comply with this ordinance?
 - No, but they are subject to applicable State law.

- What applicability would this have to illegal units?
 - The revised draft of the ordinance includes a section that applies the demolition, tenant protection and replacement requirements to illegal units, to the degree those units are recognized in some form as previously rented (registered with the Rent Stabilization Board) and/or there is substantial evidence of landlord-tenant relationship within the past five years.

Public commenters requested clarity whether the five-year prohibition on demolition of units that were vacated by Ellis Act evictions should apply to the entire building versus each unit. Comments also noted a general desire to replace older, dilapidated housing stock and that the provision of BMR units would be preferable as a long-term solution. Commenters also indicated a desire that the 4x4 Committee be provided an opportunity to review the revised ordinance.

The Commission summarized its recommendations as follows:

- Illegal units should be covered by the ordinance, and an amnesty program should be considered for units that can be made safe to remain occupied.
 - Illegal units are included for the purpose of providing tenant protections. Replacing illegal units is subject to the usual code enforcement, zoning and building code compliance process.
- Focus on like-for-like replacement units – rent control is preferable.
 - Rent control is available as a means of accommodating the return of tenants that don't income qualify for BMR units. for the 4x4 Committee recommended that the ordinance require replacement unit =s to be established as BMR units, which are permanently affordable, while also protecting the rights of existing/returning tenants.
- The exemption for demolitions to create childcare and other public benefit uses is not needed because other buildings are available for those uses.
 - Staff has not received a consensus direction from all policymakers on this topic, so the provision for certain exceptions remains in the draft ordinance.
- No mitigation fee should be allowed – all units should be replaced.
 - Some cases will require that replacement units are not provided, for example when the project results in no new residential development. The existing ordinance has a fee requirement for cases where an owner-occupant eliminates a unit – the same requirement could apply in some other cases, but a nexus and feasibility study would be needed.
- Consider whether the Rent Stabilization Board will administer tenant rights or if another review body is appropriate.
 - The ordinance has been amended to clarify that the Rent Stabilization Board would serve as an appeal body to review any disputes from the Hearing Officer's determination.

- Evaluate the provisions related to combining units, which address owner-occupancy / relocation and the death of an owner.
 - The 4x4 Committee recommended that these provisions be retained.
- Clarify whether historic resources are affected and how Landmarks Preservation Commission review occurs.

The LPC is only involved in demolitions of non-residential properties, though an historic evaluation is required for all development on properties over 40 years old in order to comply with CEQA.
- Clarify how the local rent stabilization ordinance affects the ability of the City to require rent controlled replacement units.
 - In general, local rent control does not apply to new units that receive a Certificate of Occupancy. However, this ordinance is intended to impose an equivalent of rent control for the returning tenants for the duration of their tenancy, as allowed by SB330 and Density Bonus Law.
- Consider whether tenants may benefit from “market rate” rents if they are less than prior rents.
 - A provision has been added to require the lesser of prior rents or market rents for returning tenants. In practice, “market rents” are difficult to determine or enforce.
- Clarify whether single-family homes are subject to rent control.
 - Single-family homes are not subject to rent control, but tenant protections apply.
- Make sure that the local ordinance is sufficient to address the issues in case State law is amended or sunsets.
 - The intent of this ordinance is to supplement the law, and to incorporate all of the substantive provisions of the law. To the degree the law is amended, the City is required to conform to it, so restating the law in its entirety in our local ordinance would lead to non-conformities that would require further ordinance amendment and potentially lead to unenforceable provisions, so not every provision of the law is restated.

The Commission moved to refer the draft ordinance back to the 4x4 Committee for consideration.

4x4 Joint Committee on Housing. On December 14, 2022, the 4x4 Committee reviewed a revised version of the ordinance and provided the following comments and recommendations:

- Revise the process regarding the determination of whether harassment has occurred to restate so that the Hearing officer makes the determination and ZAB reviews/confirms. Consider whether a body other than ZAB (i.e., City Council or Rent Board) should make the determination.
 - This amendment has been included in the revised draft ordinance.
- Reconsider applicability to ADUs/JADUs (and review whether it would be allowable under State law). Alternatively, add tenant protections requirements for demolished ADUs/JADUs (as is applied to unpermitted units).
 - This amendment has been included in the revised draft ordinance.
- Reconsider applicability to unpermitted units; consider distinguishing between units that are unsafe and other units.
 - Illegal units are included in the definition of Residential Unit for the purpose of providing tenant protections. Replacing illegal units is subject to the usual code enforcement, zoning and building code compliance process.
- Add definition of "comparable unit" - size, amenities, location (e.g., consider requiring in the same school district).
 - This amendment has been included in the revised draft ordinance.
- Expand noticing requirements for tenants and neighbors.
 - This amendment has been included in the revised draft ordinance.
- Keep section "23.326.040.D. Effect of Eliminating a Dwelling Unit."
 - This section has been reinstated in the revised draft ordinance.
- Reconsider deletion of the non-detriment finding (23.326.030.A).
 - The non-detriment finding is a standard finding for all Use Permits.
- Use definition of harassment from Tenant Protection Ordinance.
 - Reference is made to the other code sections for purposes of addressing tenant rights.

The revised draft ordinance being presented for consideration by the Planning Commission includes revisions reflecting the direction of the Planning Commission, the 4x4 Committee, and additional technical and administrative edits recommended by staff.

Issues for Discussion

Staff has identified topics for further discussion.

Use Permit. The requirement to obtain a Use Permit may interfere with the trend toward by-right approval of housing development projects. Several policies in the Housing Element and regulations in State law provide for the approval of smaller multi-family housing in lower density zoning districts without public hearings or discretionary permits. In light of State law and the revised demolition ordinance, there are clear mandates for how the effect of removing units and displacing tenants are mitigated. While a Use Permit provides an opportunity for public review and a hearing by the Zoning Adjustments Board, it would not necessarily provide an opportunity to require anything different from the law and ordinance. The revised draft ordinance provides that a Use Permit is required except as otherwise provided by the Zoning Ordinance or State law, i.e. where the City is mandated, or may choose in the future, to approve a project by-right. The City Council adopted the 2023-2031 Housing Element on January 18, 2023, and amended a program specifically related to this topic. The Council action states:

To facilitate the by-right development of Middle Housing, the City will consider eliminating the requirement of a use permit to demolish single-family homes for applications that 1) add net density and 2) have not been occupied by tenants within the past five years and in which Ellis Act eviction did not occur within the preceding five years. This policy will be referred for consideration to the 4x4 Committee of the City Council and Rent Board. Further, explore the effect on local and state laws relating to the demolition of historic resources.

Illegal Units. A clause has been added to the definition section to clarify that illegal units are considered residential units for the purposes of this ordinance and that the tenant protections apply. Whether those units can be removed without being replaced remains a question. In some cases the units can be legalized under the zoning, building and housing codes. In other cases these units are substandard, unsafe, exceed allowable density, or otherwise impermissible such that they should be permanently removed. Tenant protections are provided in these cases, but no replacement units are required. A rent differential cap is established because these tenants will be relocated with no option to return, , so it is advisable to not have an indefinite time and cost to the relocation benefits.

Elimination of Units Through Combination and Conversion to Other Uses. The ordinance addresses several situations in which residential units are combined with other units or converted to another use, such as a daycare center or nursing home. These situations have occasionally occurred in the past and led to the special provisions in the existing ordinance. The intent is to allow conversion of owner-occupied buildings with a lesser standard, i.e. no replacement units are required. However, the

special provisions related to continued occupancy by the owner, retroactive penalties if the owner moves out, and provisions for inheritances and changes in life circumstances are difficult to interpret and enforce.

The Commission and public commenters in the past have suggested these provisions should be eliminated. One of these circumstances references a mitigation fee, which could be expanded to cover other similar circumstances. For now, Section 23.326.040 remains in the draft ordinance pending clearer direction. A defined relocation benefit could be established for these circumstances, similar to the one established for tenants of illegal units, because these tenants will not have a new unit to return to.

Recommendation

Staff recommends that the Planning Commission conduct a Public Hearing, receive public comment, discuss draft Ordinance amendments, provide direction, and forward a recommendation to City Council, with any changes identified through a vote of the Planning Commission.

ATTACHMENTS

1. Existing Ordinance
2. Revised Draft Ordinance
3. Compare Version of Ordinances
4. State Law Excerpts
5. Public Hearing Notice

Chapter 23.326
DEMOLITION AND DWELLING UNIT CONTROL

Sections:

23.326.010	Chapter Purpose.
23.326.020	General Requirements.
23.326.030	Eliminating Dwelling Units through Demolition.
23.326.040	Eliminating Dwelling Units through Conversion and Change of Use.
23.326.050	Private Right of Action.
23.326.060	Elimination of Residential Hotel Rooms.
23.326.070	Demolitions of Non-Residential Buildings.
23.326.080	Building Relocations.
23.326.090	Limitations.

23.326.010 Chapter Purpose.

This chapter establishes demolition and dwelling unit control standards that promote the affordable housing, aesthetic, and safety goals of the City.

23.326.020 General Requirements.

A. *Applicability.* No dwelling unit or units may be eliminated or demolished except as authorized by this chapter.

B. *Findings.* In addition to the requirements below, the Zoning Adjustments Board (ZAB) may approve a Use Permit to eliminate or demolish a dwelling unit only upon finding that eliminating the dwelling unit would not be materially detrimental to the housing needs and public interest of the affected neighborhood and Berkeley.

23.326.030 Eliminating Dwelling Units through Demolition.

A. *Buildings with Two or More Units Constructed Before June 1980.*

1. *Applicability.* This subsection only applies to building with two or more units constructed before June 1980.

2. *Limitation.*

(a) Demolition is not allowed if:

- i. The building was removed from the rental market under the Ellis Act during the preceding five years; or
- ii. There have been verified cases of harassment or threatened or actual illegal eviction during the immediately preceding three years.

(b) Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner. The Rent Board Hearing Examiner will provide an assessment of the evidence and all available documentation to the ZAB. The ZAB shall determine whether harassment or threatened or actual illegal eviction occurred.

3. *Findings.* The ZAB may approve a Use Permit to demolish a building constructed before June 1980 on a property containing two or more dwelling units if any of the following are true:

- (a) The building containing the units is hazardous or unusable and is infeasible to repair.
- (b) The building containing the units will be moved to a different location within Berkeley with no net loss of units and no change in the affordability levels of the units.
- (c) The demolition is necessary to permit construction of special housing needs facilities such as, but not limited to, childcare centers and affordable housing developments that serve the greater good of the entire community.
- (d) The demolition is necessary to permit construction approved pursuant to this chapter of at least the same number of dwelling units.

4. *Fee Required.*

(a) The applicant shall pay a fee for each unit demolished to mitigate the impact of the loss of affordable housing in Berkeley.

(b) The amount of the fee shall be set by resolution of the City Council.

(c) *In Lieu of a Fee.*

i. In lieu of paying the impact fee, the applicant may provide a designated unit in the new project at a below market rate to a qualifying household in perpetuity.

ii. The affordability level of the below market rent and the income level of the qualifying household shall be set by resolution of the City Council.

iii. The applicant shall enter into a regulatory agreement with the City of Berkeley to provide the in lieu units.

5. *Occupied Units.*

(a) *Applicability.*

i. The requirements in this subsection apply if units to be demolished are occupied.

ii. These requirements do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction.

(b) *Notice.* The applicant shall provide all sitting tenants notice of the application to demolish the building no later than the date it is submitted to the City, including notice of their rights under Municipal Code Section 13.76 (Rent Stabilization and Eviction for Good Cause Program).

(c) *General Requirements.*

i. The applicant shall provide assistance with moving expenses equivalent to in Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households).

ii. The applicant shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are

ready for occupancy. Funding for the rent differential shall be guaranteed in a manner approved by the City.

iii. *Exception.* An applicant who proposes to construct a 100 percent affordable housing project is not required to comply with this subsection but must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended and the California Relocation Act (Government Code sections 7260 et seq.).

(d) *Sitting Tenants Rights.*

i. Sitting tenants who are displaced as a result of demolition shall be provided the right of first refusal to move into the new building.

ii. Tenants of units that are demolished shall have the right of first refusal to rent new below-market rate units designated to replace the units that were demolished, at the rent that would have applied if they had remained in place, as long as their tenancy continues.

iii. Income restrictions do not apply to displaced tenants.

iv. *Exception.*

(1) An applicant who proposes to construct a 100 percent affordable housing project is not required to comply with 23.326.030.A.5.a, b, and c, but must comply with the following requirement.

(2) Sitting tenants who are displaced as a result of demolition and who desire to return to the newly constructed building will be granted a right of first refusal subject to their ability to meet income qualifications and other applicable eligibility requirements when the new units are ready for occupancy.

B. *Buildings with a Single Dwelling Unit.*

1. *Applicability.* This subsection only applies to buildings with a single dwelling unit.
2. *Limitation.*

(a) Demolition is not allowed if:

- i. The building was removed from the rental market under the Ellis Act during the preceding five years; or
- ii. There have been verified cases of harassment or threatened or actual illegal eviction during the immediately preceding three years.

(b) Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner. The Rent Board Hearing Examiner will provide an assessment of the evidence and all available documentation to the ZAB. The ZAB shall determine whether harassment or threatened or actual illegal eviction occurred.

C. *Accessory Buildings.* Notwithstanding anything in Municipal Code Title 23 (Zoning Ordinance) to the contrary, but subject to any applicable requirements in Municipal Code Section 3.24 (Landmarks Preservation Ordinance), accessory buildings of any size, including, but not limited to, garages, carports, and sheds, but not including any structure containing a lawfully established dwelling unit, which serves and is located on the same lot as a lawful residential use, may be demolished by right.

23.326.040 Eliminating Dwelling Units through Conversion and Change of Use.

A. *General.* The ZAB may approve a Use Permit for the elimination of a dwelling unit in combination with another dwelling unit used for occupancy by a single household if it finds that:

1. The existing number of dwelling units exceeds maximum residential density in the district where the building is located; and
2. One of the following is true:
 - (a) One of the affected dwelling units has been occupied by the applicant's household as its principal place of residence for no less than two years before the date of the application and none of the affected units are currently occupied by a tenant.

(b) All of the affected dwelling units are being sold by an estate and the decedent occupied the units as their principal residence for no less than two years before the date of their death.

B. *Limitations.*

1. Demolition is not allowed if:

(a) The building was removed from the rental market under the Ellis Act during the preceding five years; or

(b) There have been verified cases of harassment or threatened or actual illegal eviction during the immediately preceding three years.

2. Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner. The Rent Board Hearing Examiner will provide an assessment of the evidence and all available documentation to the ZAB. The ZAB shall determine whether harassment or threatened or actual illegal eviction occurred.

C. *Effect of Noncompliance with the Two-Year Requirement.*

1. If a unit eliminated under Subsection A (General) is not occupied by the applicant's household for at least two consecutive years from the date of elimination, the affected unit must be restored to separate status.

2. This requirement shall be implemented by a condition of approval and a notice of limitation on the property, acceptable to the City of Berkeley.

3. The condition and notice will provide that if the owner's household does not occupy the unit for at least two years from the date of elimination the affected units must either be restored as separate dwelling units and the vacant unit(s) offered for rent within six months or the owner must pay a fee of \$75,000 in 2013 dollars, adjusted in May of each year according to the Consumer Price Index for the San Francisco Bay Area. The fee shall be deposited into the City of Berkeley's Housing Trust Fund.

4. The City of Berkeley may exempt an applicant from the two-year residency requirement if of an unforeseeable life change that requires relocation.

D. *Effect of Eliminating a Dwelling Unit.*

1. If eliminating a dwelling unit reduces the number of units in a building to four, the applicant shall record a notice of limitation against the subject property that the limitation on eviction of tenants under Chapter 13 (Public Peace, Morals and Welfare) shall continue to apply until:

(a) The building is demolished; or

(b) Sufficient units are added or restored such that the building contains at least five units.

2. The Zoning Officer may issue an AUP for a building conversion which eliminates a dwelling unit upon finding that the conversion will restore or bring the building closer to the original number of dwelling units that was present at the time it was first constructed, provided the conversion meets the requirements 23.326.040.A.1 and 2 and 23.326.040.B and C.

E. *Exceptions.*

1. The ZAB may approve a Use Permit for a change of use to a community care or a child care facility which eliminates a dwelling unit if it finds that such use is in conformance with the regulations of the district in which it is located.

2. The ZAB may approve a Use Permit to eliminate a dwelling unit through combination with another dwelling unit for the purpose of providing private bathrooms, kitchenettes, accessibility upgrades, and/or seismic safety upgrades to single-residential occupancy rooms in residential developments undergoing a publicly-funded rehabilitation.

3. Notwithstanding the general Use Permit requirement under 23.326.020 (General Requirements), a lawfully established accessory dwelling unit that is not a controlled rental unit may be eliminated with a Zoning Certificate if:

- (a) The re-conversion restores the original single-family use of the main building or lot; and
- (b) No tenant is evicted.

23.326.050 Private Right of Action.

Any affected tenant may bring a private action for injunctive and/or compensatory relief against any applicant and/or owner to prevent or remedy a violation of Sections 23.326.030 (Eliminating Dwelling Units through Demolition) and 23.326.040 (Eliminating Dwelling Units through Conversion and Change of Use). In any such action a prevailing plaintiff may recover reasonable attorney's fees.

23.326.060 Elimination of Residential Hotel Rooms.

A. *General Requirements.* Before removal, the following requirements must be met for the ZAB to approve a Use Permit for the elimination of residential hotel rooms:

1. The residential hotel owner shall provide or cause to be provided standard housing of at least comparable size and quality, at comparable rents and total monthly or weekly charges to each affected tenant.
2. One of the following three requirements shall be met:
 - (a) The residential hotel rooms being removed are replaced by a common use facility, including, but not limited to, a shared kitchen, lounge, or recreation room, that will be available to and primarily of benefit to the existing residents of the residential hotel and that a majority of existing residents give their consent to the removal of the rooms.
 - (b) Before the date on which the residential hotel rooms are removed, one-for-one replacement of each room to be removed is made, with a comparable room, in one of the methods set forth in this section.
 - (c) Residential hotel rooms are removed because of building alterations related to seismic upgrade to the building or to improve access to meet the requirements of the American Disabilities Act (ADA).

B. *Criteria for Replacement Rooms.* For purposes of this section, replacement rooms must be:

1. Substantially comparable in size, location, quality, and amenities;
2. Subject to rent and eviction controls substantially equivalent to those provided by the Rent Stabilization Ordinance or those that applied to the original rooms which are being replaced; and
3. Available at comparable rents and total monthly or weekly charges to those being removed. Comparable rooms may be provided by:
 - (a) Offering the existing tenants of the affected rooms the right of first refusal to occupy the replacement rooms;
 - (b) Making available comparable rooms, which are not already classified as residential hotel rooms to replace each of the rooms to be removed; or
 - (c) Paying to the City of Berkeley's Housing Trust Fund an amount sufficient to provide replacement rooms.
 - i. The amount to be paid to the City of Berkeley shall be the difference between the replacement cost, including land cost, for the rooms and the amount which the City of Berkeley can obtain by getting a mortgage on the anticipated rents from the newly constructed rooms.
 - ii. The calculations shall assume that rents in the newly constructed rooms shall not exceed the greater of either a level comparable to the weekly or monthly charges for the replaced rooms or the level which would be charged if no current tenant paid more than 30 percent of such tenant's gross income for rent.

C. *Exception for Non-Profit Ownership.* In a residential hotel owned and operated by a non-profit organization, recognized as tax-exempt by either the Franchise Tax Board and/or the Internal Revenue Service, residential hotel rooms may be changed to non-residential hotel room uses if the average number of residential hotel rooms per day in

each calendar year is at least 95 percent of residential hotel rooms established for that particular residential hotel.

23.326.070 Demolitions of Non-Residential Buildings.

A. *Main Non-Residential Buildings.* A main building used for non-residential purposes may be demolished with a Use Permit.

B. *Accessory Buildings.*

1. Demolishing an accessory building with less than 300 square feet of floor area is permitted as of right.
2. An accessory building with 300 square feet or more of floor area may be demolished with an AUP.

C. *Landmarks Preservation Commission Review.*

1. Any application for a Use Permit or AUP to demolish a non-residential building or structure which is 40 or more years old shall be forwarded to the Landmarks Preservation Commission (LPC) for review before consideration of the Use Permit or AUP.
2. The LPC may initiate a landmark or structure-of-merit designation or may choose solely to forward to the ZAB its comments on the application.
3. The ZAB shall consider the recommendations of the LPC in when acting on the application.

D. *Findings.* A Use Permit or an AUP for demolition of a non-residential building or structure may be approved only if the ZAB or the Zoning Officer finds that:

1. The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley; and
2. The demolition:
 - (a) Is required to allow a proposed new building or other proposed new use;

- (b) Will remove a building which is unusable for activities which are compatible with the purposes of the district in which it is located or which is infeasible to modify for such uses;
- (c) Will remove a structure which represents an inhabitable attractive nuisance to the public; or
- (d) Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration that it is infeasible to obtain prior or concurrent approval for the new construction or new use which is contemplated by such specific plans or projects and that adhering to such a requirement would threaten the viability of the plan or project.

23.326.080 Building Relocations.

A. *Treatment of Building Relocation.*

1. Relocating a building from a lot is considered a demolition for purposes of this chapter.
2. Relocating a building to a lot is considered new construction and is subject to all requirements applicable to new construction.
3. When a building is relocated to a different lot within in Berkeley, the lot from which the building is removed shall be known as the source lot and the lot on which the building is to be sited shall be known as the receiving lot. In such cases all notification requirements apply to both the source and receiving lots.

B. *Findings.* The ZAB may approve a Use Permit to relocate a building upon finding that:

1. The building to be relocated is not in conflict with the architectural character, or the building scale of the neighborhood or area to which it will be relocated; and
2. The receiving lot provides adequate separation of buildings, privacy, yards, and usable open space.

23.326.090 Limitations.

A. *Unsafe, Hazard, or Danger.*

1. Notwithstanding anything to the contrary, if a building or structure is unsafe, presents a public hazard, and is not securable and/or is in imminent danger of collapse so as to endanger persons or property, as determined by the city's building official, it may be demolished without a Use Permit.

2. The Building Official's determination in this matter shall be governed by the standards and criteria in the most recent edition of the California Building Code that is in effect in the City of Berkeley.

B. *Ellis Act.* This chapter shall be applied only to the extent permitted by state law as to buildings which have been entirely withdrawn from the rental market pursuant to the Ellis Act (California Government Code Chapter 12.75).

ORDINANCE NO.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 23.326, DEMOLITION AND
DWELLING UNIT CONTROLS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 23.326 is hereby amended to read as follows:

Chapter 23.326 DEMOLITION AND DWELLING UNIT CONTROLS

Sections:

- 23.326.010 Chapter Purpose.
- 23.326.020 General Requirements.
- 23.326.030 Demolition of Residential Units.
- 23.326.040 Eliminating Dwelling Units through Combination with Other Units.
- 23.326.050 Demolition of Accessory Buildings.
- 23.326.060 Private Right of Action.
- 23.326.070 Demolition of Non-Residential Buildings.
- 23.326.080 Building Relocations.
- 23.326.090 Limitations.

23.326.010 Chapter Purpose.

This chapter establishes demolition and dwelling unit control standards that promote the affordable housing and safety goals of the City.

23.326.020 General Requirements.

A. No Residential Unit or units may be eliminated or demolished except as authorized by this chapter.

1. "Residential Unit" means, for purposes of this Chapter, any Dwelling Unit, any Live-Work Unit, any Residential Hotel unit, or any bedroom of

a Group Living Accommodation (GLA) except a GLA in a University-recognized fraternity, sorority or co-op.

2. “Residential Unit” includes any Accessory Dwelling Unit or Junior Accessory Dwelling Unit to the extent that tenant notice, protections for eviction and relocation benefits outlined in this ordinance shall apply to any Accessory Dwelling Unit or Junior Accessory Dwelling Unit that is removed from the rental market.
3. “Residential Unit” includes Dwelling Units created without proper Use Permit(s) or Building Permit(s) if they have been registered with the Rent Stabilization Board or there is substantial evidence of a tenant-landlord relationship during the preceding five years to the extent that tenant notice, protections for eviction and relocation benefits outlined in this ordinance shall apply to an illegal unit that is removed from the rental market.
4. “Comparable Unit” means a dwelling unit of similar size (square footage and number of bedrooms), amenities (private open space and common facilities) and location within the city (neighborhood and school attendance area).

23.326.030 Demolition of Residential Units.

A. *Limitation.* Demolition is not allowed if:

1. The unit (or units) was removed from the rental market through a no-fault eviction during the preceding five years; or
2. There is substantial evidence of harassment or threatened or actual illegal eviction during the immediately preceding three years. Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner, whose determination may be appealed to the Rent Stabilization Board.

B. *Procedure and Findings.* A Use Permit is required to eliminate or demolish one or more Residential Units, except where otherwise provided by the Zoning Ordinance. The Board shall only approve the Use Permit if one of the following is true:

-
1. The building containing the units is hazardous or unusable and is infeasible to repair.
 2. The building containing the unit(s) will be moved to a different location within Berkeley with no net loss of units and no change in the rent levels of the unit(s).
 3. The demolition is necessary to permit construction of socially and/or economically beneficial uses that serve the greater good of the community.
 4. The demolition is necessary to permit construction approved pursuant to this chapter of at least the same number of dwelling units.

C. *Conditions of Approval.* Any Residential Unit(s) that will be demolished shall be replaced with equivalent units and comply with applicable affordability requirements in Chapter 23.328 [Affordable Housing Requirements] and Chapter 23.330 [Density Bonus] as they may be amended from time to time.

D. *Requirements for Occupied Units.*

1. *Applicability.* The following requirements do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction.
2. *Notice.* The applicant shall provide all sitting tenants and the Rent Stabilization Board notice of the application to demolish the unit(s) no later than the date the application is submitted to the City, including notice of their rights under Municipal Code Chapter 13.76 (Rent Stabilization and Eviction for Good Cause Program), Chapter 13.77 (Requirements, Procedures, Restrictions and Mitigations Concerning the Withdrawal of Residential Rental Accommodations from Rent or Lease), 13.79 (Tenant Protections: Automatically Renewing Leases and Buyout Agreements) and 13.84 (Relocation Services and Payments for Residential Tenant Households).
3. *General Requirements.*
 - (a) The applicant shall provide assistance with moving and relocation assistance equivalent to the requirements set forth in Municipal Code

Chapter 13.84 or Government Code section 66300(d)(2)(D)(i), whichever requires greater relocation assistance to displaced tenants, and shall not be subject to the limitations in section 13.84.070.B.3(a). The applicant shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Tenants shall have until the date that the new units are ready for occupancy to decide whether to move into the newly constructed building. Funding for the rent differential shall be guaranteed in a manner approved by the City Council by Resolution; provided, however, that any project that is carried out or funded by the state or federal government shall be subject to applicable provisions of the California Relocation Act (Government Code section 7260 *et seq.*) and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. sections 4601-4655).

(b) *Exception.* An applicant who proposes to construct a 100-percent affordable housing project is not required to comply with this subsection but must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended and the California Relocation Act (Government Code sections 7260 *et seq.*).

4. *Sitting Tenants Rights.*

(a) Any tenant of a Residential Unit that is permitted to be demolished under this section shall have the right of first refusal to rent a comparable unit in the new project.

(b) In the event that a displaced household is ineligible for Below-Market Rate replacement units, a market rate unit shall be made available to that household at the same rent as had been previously charged, or a lesser rent if that is the market rate.

(c) Where a displaced tenant exercises the right to rent a comparable unit, any increase in rent for the comparable unit for the duration of their tenancy shall be no greater than the lesser of 65% of the 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 December 31) or 65% of the corresponding increase in Area Median Income (AMI) for the same calendar year.

(d) *Exception.*

- i. An applicant who proposes to construct a 100 percent affordable housing project is not required to comply with the preceding requirements but must comply with the following requirement.
- ii. Sitting tenants who are displaced as a result of demolition and who desire to return to the newly constructed affordable housing project will be granted a right of first refusal subject to their ability to meet income qualifications and other applicable eligibility requirements.

23.326.040 Eliminating Dwelling Units through Combination With Other Units.

A. *Process for Projects Where Density Exceeds Current Allowance.* A Use Permit is required to eliminate one or more Residential Units by combining with another unit when the existing development exceeds currently-allowable density. The ZAB shall approve a Use Permit for the elimination of one or more Residential Units by combining with another unit only if it finds that:

1. The existing number of units exceeds the current maximum allowed residential density in the zoning district where the units are located; and
2. One of the following is true:
 - (a) One of the affected units has been occupied by the applicant's household as its principal place of residence for no less than two years before the date of the application and none of the affected units are currently occupied by a tenant.
 - (b) All of the affected units are being sold by an estate and the decedent occupied the units as their principal residence for no less than two years before the date of their death.

B. *Process for Projects That Restore Original Development Density.* The Zoning Officer may issue an Administrative Use Permit (AUP) for a building conversion which eliminates a dwelling unit upon finding that the conversion will restore or bring the building closer to the original number of dwelling units that was present at the time it was first constructed.

C. *Limitations.* Combination is not allowed if:

1. The building was removed from the rental market through a no fault eviction during the preceding five years; or
2. There is substantial evidence of harassment or threatened or actual illegal eviction during the immediately preceding three years. Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner, whose determination may be appealed to the Rent Stabilization Board.

D. *Two-Year Occupancy Requirement Following Elimination*

1. If a unit that is eliminated through combination is not occupied by the applicant's household for at least two consecutive years from the date of elimination, the affected unit must be restored to separate status.
2. This requirement shall be implemented by a condition of approval and a notice of limitation on the property, acceptable to the City of Berkeley.
3. The condition and notice will provide that if the owner's household does not occupy the unit for at least two years from the date of elimination then the affected units must either be restored as separate dwelling units and the vacant unit(s) offered for rent within six months or the owner must pay a fee of \$75,000 in 2013 dollars, adjusted in May of each year according to the Consumer Price Index for the San Francisco Bay Area. The fee shall be deposited into the City of Berkeley's Housing Trust Fund.
4. The City of Berkeley may exempt an applicant from the two-year residency requirement if there is an unforeseeable life change that requires relocation.

E. *Effect of Eliminating a Dwelling Unit.*

1. If eliminating a dwelling unit reduces the number of units in a building to four, the applicant shall record a notice of limitation against the subject property that the limitation on eviction of tenants under Chapter 13 (Public Peace, Morals and Welfare) shall continue to apply until:

(a) The building is demolished; or

(b) Sufficient units are added or restored such that the building contains at least five units.

2. The Zoning Officer may issue an AUP for a building conversion which eliminates a dwelling unit upon finding that the conversion will restore or bring the building closer to the original number of dwelling units that was present at the time it was first constructed, provided the conversion meets the requirements of 23.326.040.A.1 and 2 and 23.326.040.B and C.

F. *Exception.* The ZAB may approve a Use Permit to eliminate a dwelling unit through combination with another dwelling unit for the purpose of providing private bathrooms, kitchenettes, accessibility upgrades, and/or seismic safety upgrades to single-resident occupancy rooms in residential developments undergoing a publicly-funded rehabilitation.

23.326.050 Demolition of Accessory Buildings.

Notwithstanding anything in Municipal Code Title 23 (Zoning Ordinance) to the contrary, but subject to any applicable requirements in Municipal Code Section 3.24 (Landmarks Preservation Ordinance), Accessory Buildings of any size, including, but not limited to, garages, carports, and sheds may be demolished by right except where the Accessory Building is occupied by a residential tenant (regardless of whether it is lawfully permitted) or otherwise contains a lawfully established residential unit, which serves and is located on the same lot as a lawful residential use.

23.326.060 Private Right of Action.

Any affected tenant may bring a private action for injunctive and/or compensatory relief against any applicant and/or owner to prevent or remedy a violation of Sections

23.326.030 (Eliminating Dwelling Units through Demolition) and 23.326.040 (Eliminating Dwelling Units through Conversion and Change of Use). In any such action a prevailing plaintiff shall recover reasonable attorney's fees.

23.326.070 Demolition of Non-Residential Buildings.

A. *Main Non-Residential Buildings.* A Use Permit is required to demolish a main building used for non-residential purposes on any lot.

B. *Accessory Buildings.* For any lot located in a non-residential zoning district, Accessory Buildings may be demolished as follows:

1. Demolishing an accessory building with less than 300 square feet of floor area is permitted as of right.
2. An accessory building with 300 square feet or more of floor area may be demolished with an AUP.

C. *Landmarks Preservation Commission Review.*

1. Any application for a Use Permit or AUP to demolish a non-residential building or structure that is 40 or more years old shall be forwarded to the Landmarks Preservation Commission (LPC) for review before consideration of the Use Permit or AUP.
2. The LPC may initiate a landmark or structure-of-merit designation or may choose solely to forward to the ZAB or Zoning Officer its comments on the application.
3. The ZAB or Zoning Officer shall consider the recommendations of the LPC when acting on the application.

D. *Findings.* A Use Permit or an AUP for demolition of a main building used for non-residential purposes on any lot or an accessory building located on a lot in a non-residential district may be approved only if the ZAB or the Zoning Officer finds that:

1. The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley; and
2. The demolition:

-
- (a) Is required to allow a proposed new building or other proposed new use;
 - (b) Will remove a building which is unusable for activities which are compatible with the purposes of the district in which it is located or which is infeasible to modify for such uses;
 - (c) Will remove a structure which represents an uninhabitable attractive nuisance to the public; or
 - (d) Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration that it is infeasible to obtain prior or concurrent approval for the new construction or new use which is contemplated by such specific plans or projects and that adhering to such a requirement would threaten the viability of the plan or project.

23.326.080 Building Relocations.

A. *Treatment of Building Relocation.*

1. Relocating a building from a lot is considered a demolition for purposes of this chapter.
2. Relocating a building to a lot within the city is considered new construction and is subject to all requirements applicable to new construction.
3. When a building is relocated to a different lot within Berkeley, the lot from which the building is removed shall be known as the source lot and the lot on which the building is to be sited shall be known as the receiving lot.

B. *Findings.* The Zoning Officer shall approve Zoning Certificate to relocate a building upon finding that the resulting development on the receiving lot is in conformance with applicable zoning code development standards.

23.326.090 Limitations.

A. *Unsafe, Hazard, or Danger.*

1. Notwithstanding anything to the contrary, if a building or structure is unsafe, presents a public hazard, and is not securable and/or is in imminent danger of

collapse so as to endanger persons or property, as determined by the city's building official, it may be demolished without a Use Permit.

2. The Building Official's determination in this matter shall be governed by the standards and criteria in the most recent edition of the California Building Code that is in effect in the City of Berkeley.

B. *Ellis Act*. This chapter shall be applied only to the extent permitted by state law as to buildings which have been entirely withdrawn from the rental market pursuant to the Ellis Act (California Government Code Chapter 12.75).

~~Demolition Ordinance Update~~ ~~Planning Commission~~
~~Attachment 2 - Revised Draft Ordinance~~ ~~February 1, 2023~~
~~Attachment 1 - Existing Ordinance~~ ~~February 1, 2023~~

~~Chapter~~ORDINANCE NO.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 23.326
DEMOLITION AND DWELLING UNIT ~~CONTROL~~CONTROLS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 23.326 is hereby amended to read as follows:

Chapter 23.326 DEMOLITION AND DWELLING UNIT CONTROLS

Sections:

- ~~23.326.010 Chapter Purpose.~~
- ~~23.326.020 General Requirements.~~
- ~~23.326.030 Eliminating Dwelling Units through Demolition.~~
- ~~23.326.040 Eliminating Dwelling Units through Conversion and Change of Use.~~
- ~~23.326.050 Private Right of Action.~~
- ~~23.326.060 Elimination of Residential Hotel Rooms.~~
- ~~23.326.070 Demolitions of Non-Residential Buildings.~~
- ~~23.326.080 Building Relocations.~~
- ~~23.326.090 Limitations.~~
 - 23.326.010 Chapter Purpose.
 - 23.326.020 General Requirements.
 - 23.326.030 Demolition of Residential Units.
 - 23.326.040 Eliminating Dwelling Units through Combination with Other Units.
 - 23.326.050 Demolition of Accessory Buildings.
 - 23.326.060 Private Right of Action.
 - 23.326.070 Demolition of Non-Residential Buildings.
 - 23.326.080 Building Relocations.
 - 23.326.090 Limitations.

23.326.010 Chapter Purpose.

~~Demolition Ordinance Update~~ ~~Planning Commission~~
~~Attachment 2 - Revised Draft Ordinance~~ ~~February 1, 2023~~
~~Attachment 1 - Existing Ordinance~~ ~~February 1, 2023~~

This chapter establishes demolition and dwelling unit control standards that promote the affordable housing, ~~aesthetic~~, and safety goals of the City.

23.326.020 General Requirements.

~~A. A. Applicability.~~ No ~~dwelling unit~~ Residential Unit or units may be eliminated or demolished except as authorized by this chapter.

- ~~1. B. Findings.~~ In addition, “Residential Unit” means, for purposes of this Chapter, any Dwelling Unit, any Live-Work Unit, any Residential Hotel unit, or any bedroom of a Group Living Accommodation (GLA) except a GLA in a University-recognized fraternity, sorority or co-op.
- ~~2. “Residential Unit” includes any Accessory Dwelling Unit or Junior Accessory Dwelling Unit to the requirements below, the Zoning Adjustments Board (ZAB) may approve a extent that tenant notice, protections for eviction and relocation benefits outlined in this ordinance shall apply to any Accessory Dwelling Unit or Junior Accessory Dwelling Unit that is removed from the rental market.~~
- ~~3. “Residential Unit” includes Dwelling Units created without proper Use Permit to eliminate or demolish a dwelling(s) or Building Permit(s) if they have been registered with the Rent Stabilization Board or there is substantial evidence of a tenant-landlord relationship during the preceding five years to the extent that tenant notice, protections for eviction and relocation benefits outlined in this ordinance shall apply to an illegal unit only upon finding that eliminating is removed from the rental market.~~
- ~~4. “Comparable Unit” means a dwelling unit would not be materially detrimental to the housing needs and public interest of the affected of similar size (square footage and number of bedrooms), amenities (private open space and common facilities) and location within the city (neighborhood and Berkeley school attendance area).~~

23.326.030 ~~Eliminating Dwelling Units through Demolition.~~

~~A. Buildings with Two or More of Residential Units Constructed Before June 1980.~~

~~Demolition Ordinance Update~~ ~~Planning Commission~~
~~Attachment 2 - Revised Draft Ordinance~~ ~~February 1, 2023~~
~~Attachment 1 - Existing Ordinance~~

~~1. *Applicability.* This subsection only applies to building with two or more units constructed before June 1980.~~

~~2. *Limitation.*~~

~~A. (a) Demolition is not allowed if:~~

~~1. i.—The building unit (or units) was removed from the rental market ~~under the Ellis Act~~through a no-fault eviction during the preceding five years; or~~

~~ii.—There ~~have been verified cases~~is substantial evidence of harassment or threatened or actual illegal eviction during the immediately preceding three years.~~

~~2. (b) Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner. ~~The Rent Board Hearing Examiner will provide an assessment of the evidence and all available documentation to the ZAB. The ZAB shall determine whether harassment or threatened or actual illegal eviction occurred, whose determination may be appealed to the Rent Stabilization Board.~~~~

~~B. 3.—*Procedure and Findings.* ~~The ZAB may approve a~~A Use Permit is required to eliminate or demolish a building constructed before June 1980 on a property containing two~~one~~ or more ~~dwelling units~~Residential Units, except where otherwise provided by the Zoning Ordinance. The Board shall only approve the Use Permit if anyone of the following ~~are~~is true:~~

~~1. (a) The building containing the units is hazardous or unusable and is infeasible to repair.~~

~~2. (b) The building containing the ~~units~~unit(s) will be moved to a different location within Berkeley with no net loss of units and no change in the ~~affordability~~rent levels of the ~~units~~unit(s).~~

~~3. (c) The demolition is necessary to permit construction of ~~special housing needs facilities such as, but not limited to, childcare centers~~socially and affordable housing developments/or economically beneficial uses that serve the greater good of the ~~entire~~ community.~~

February 1, 2023

~~Demolition Ordinance Update~~

~~Planning Commission~~

~~Attachment 2 – Revised Draft Ordinance~~

~~February 1, 2023~~

~~Attachment 1 – Existing Ordinance~~

~~February 1, 2023~~

~~4. (d)–The demolition is necessary to permit construction approved pursuant to this chapter of at least the same number of dwelling units.~~

~~4. Fee Required.~~

~~(a)–The applicant shall pay a fee for each unit demolished to mitigate the impact of the loss of affordable housing in Berkeley.~~

~~(b)–The amount of the fee shall be set by resolution of the City Council.~~

~~(c)–In Lieu of a Fee.~~

~~i.–In lieu of paying the impact fee, the applicant may provide a designated unit in the new project at a below market rate to a qualifying household in perpetuity.~~

~~ii.–The affordability level of the below market rent and the income level of the qualifying household shall be set by resolution of the City Council.~~

~~iii.–The applicant shall enter into a regulatory agreement with the City of Berkeley to provide the in lieu units.~~

~~5. C. Conditions of Approval. Any Residential Unit(s) that will be demolished shall be replaced with equivalent units and comply with applicable affordability requirements in Chapter 23.328 [Affordable Housing Requirements] and Chapter 23.330 [Density Bonus] as they may be amended from time to time.~~

~~D. Requirements for Occupied Units.-~~

~~(a)–Applicability.~~

~~i.–The requirements in this subsection apply if units to be demolished are occupied.~~

~~1. ii.–TheseThe following~~ requirements do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction.

~~2. (b)–Notice.~~ The applicant shall provide all sitting tenants and the Rent

February 1, 2023

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~~Planning Commission~~

~~Attachment 2 – Revised Draft Ordinance~~

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Stabilization Board notice of the application to demolish the building unit(s) no later than the date ~~#the application~~ is submitted to the City, including notice of their rights under Municipal Code ~~Section~~Chapter 13.76 (Rent Stabilization and Eviction for Good Cause Program), Chapter 13.77 (Requirements, Procedures, Restrictions and Mitigations Concerning the Withdrawal of Residential Rental Accommodations from Rent or Lease), 13.79 (Tenant Protections: Automatically Renewing Leases and Buyout Agreements) and 13.84 (Relocation Services and Payments for Residential Tenant Households).

3. (e) – General Requirements.

i.—The applicant shall provide assistance with moving ~~expenses and relocation assistance~~ equivalent to the requirements set forth in Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households).

(a) ii.—Municipal Code Chapter 13.84 or Government Code section 66300(d)(2)(D)(i), whichever requires greater relocation assistance to displaced tenants, and shall not be subject to the limitations in section 13.84.070.B.3(a). The applicant shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Tenants shall have until the date that the new units are ready for occupancy to decide whether to move into the newly constructed building. Funding for the rent differential shall be guaranteed in a manner approved by the City: Council by Resolution; provided, however, that any project that is carried out or funded by the state or federal government shall be subject to applicable provisions of the California Relocation Act (Government Code section 7260 et seq.) and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. sections 4601- 4655).

(b) iii.—Exception. An applicant who proposes to construct a 100–percent affordable housing project is not required to comply with this subsection but must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended and the California Relocation Act (Government Code sections ~~7260~~7260 et seq.).

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~~4. (d) - Sitting Tenants Rights.-~~

~~i. - Sitting tenants who are displaced as a result of demolition shall be provided the right of first refusal to move into the new building.~~

~~(a) ii. - Tenants of unitsa Residential Unit that are is permitted to be demolished under this section shall have the right of first refusal to rent new below a comparable unit in the new project.~~

~~(b) In the event that a displaced household is ineligible for Below-Market Rate replacement units, a market rate units designated unit shall be made available to replace the units that were demolished, household at the same rent that would have applied as had been previously charged, or a lesser rent if they had remained in place, as long as that is the market rate.~~

~~(c) Where a displaced tenant exercises the right to rent a comparable unit, any increase in rent for the comparable unit for the duration of their tenancy continuesshall be no greater than the lesser of 65% of the 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 December 31) or 65% of the corresponding increase in Area Median Income (AMI) for the same calendar year.~~

~~iii. - Income restrictions do not apply to displaced tenants.~~

~~(d) iv. - Exception.-~~

~~i. (1) - An applicant who proposes to construct a 100 percent affordable housing project is not required to comply with 23.326.030.A.5.a, b, and c, the preceding requirements but must comply with the following requirement.~~

~~ii. (2) - Sitting tenants who are displaced as a result of demolition and who desire to return to the newly constructed buildingaffordable housing project will be granted a right of first refusal subject to their ability to meet income qualifications and~~

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other applicable eligibility requirements ~~when the new units are ready for occupancy.~~

~~B. Buildings with a Single Dwelling Unit.~~

~~1. Applicability. This subsection only applies to buildings with a single dwelling unit.~~

~~2. Limitation.~~

~~(a) Demolition is not allowed if:~~

~~i. The building was removed from the rental market under the Ellis Act during the preceding five years; or~~

~~ii. There have been verified cases of harassment or threatened or actual illegal eviction during the immediately preceding three years.~~

~~(b) Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner. The Rent Board Hearing Examiner will provide an assessment of the evidence and all available documentation to the ZAB. The ZAB shall determine whether harassment or threatened or actual illegal eviction occurred.~~

~~C. Accessory Buildings. Notwithstanding anything in Municipal Code Title 23 (Zoning Ordinance) to the contrary, but subject to any applicable requirements in Municipal Code Section 3.24 (Landmarks Preservation Ordinance), accessory buildings of any size, including, but not limited to, garages, carports, and sheds, but not including any structure containing a lawfully established dwelling unit, which serves and is located on the same lot as a lawful residential use, may be demolished by right.~~

23.326.040 Eliminating Dwelling Units through ~~Conversion and Change of Use~~Combination With Other Units.

A. Process for Projects Where Density Exceeds Current Allowance. ~~A. General. The ZAB may Use Permit is required to eliminate one or more Residential Units by combining with another unit when the existing development exceeds currently allowable density. The ZAB shall approve a Use Permit for the elimination of a dwelling unit in combination with another dwelling unit used for occupancy one or more~~

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Residential Units by ~~a single household combining with another unit only~~ if it finds that:

1. 1.—The existing number of ~~dwelling~~ units exceeds the current maximum allowed residential density in the zoning district where the ~~building is~~ units are located; and
2. 2.—One of the following is true:
 - (a) (a)—One of the affected ~~dwelling~~ units has been occupied by the applicant's household as its principal place of residence for no less than two years before the date of the application and none of the affected units are currently occupied by a tenant.
 - (b) (b)—All of the affected ~~dwelling~~ units are being sold by an estate and the decedent occupied the units as their principal residence for no less than two years before the date of their death.

B. B.—*Process for Projects That Restore Original Development Density.* The Zoning Officer may issue an Administrative Use Permit (AUP) for a building conversion which eliminates a dwelling unit upon finding that the conversion will restore or bring the building closer to the original number of dwelling units that was present at the time it was first constructed.

Limitations.

C. 1.—~~Demolition~~Combination is not allowed if:

1. (a)—The building was removed from the rental market ~~under the Ellis Act~~ through a no fault eviction during the preceding five years; or
 - (b)—There ~~have been verified cases~~ is substantial evidence of harassment or threatened or actual illegal eviction during the immediately preceding three years.
2. 2.—Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner. ~~The Rent Board Hearing Examiner will provide an assessment of the evidence and all available documentation to the ZAB. The ZAB shall determine whether harassment or threatened or actual illegal~~

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~~eviction occurred, whose determination may be appealed to the Rent Stabilization Board.~~

~~D. C. – Effect of Noncompliance with the Two-Year Occupancy Requirement – Following Elimination~~

~~1. 1. – If a unit that is eliminated ~~under Subsection A (General)~~through combination is not occupied by the applicant’s household for at least two consecutive years from the date of elimination, the affected unit must be restored to separate status.~~

~~2. 2. – This requirement shall be implemented by a condition of approval and a notice of limitation on the property, acceptable to the City of Berkeley.~~

~~3. 3. – The condition and notice will provide that if the owner’s household does not occupy the unit for at least two years from the date of elimination then the affected units must either be restored as separate dwelling units and the vacant unit(s) offered for rent within six months or the owner must pay a fee of \$75,000 in 2013 dollars, adjusted in May of each year according to the Consumer Price Index for the San Francisco Bay Area. The fee shall be deposited into the City of Berkeley’s Housing Trust Fund.~~

~~4. 4. – The City of Berkeley may exempt an applicant from the two-year residency requirement if if there is an unforeseeable life change that requires relocation.~~

~~E. D. – Effect of Eliminating a Dwelling Unit.~~

1. If eliminating a dwelling unit reduces the number of units in a building to four, the applicant shall record a notice of limitation against the subject property that the limitation on eviction of tenants under Chapter 13 (Public Peace, Morals and Welfare) shall continue to apply until:

(a) The building is demolished; or

(b) Sufficient units are added or restored such that the building contains at least five units.

2. The Zoning Officer may issue an AUP for a building conversion which eliminates

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a dwelling unit upon finding that the conversion will restore or bring the building closer to the original number of dwelling units that was present at the time it was first constructed, provided the conversion meets the requirements of 23.326.040.A.1 and 2 and 23.326.040.B and C.

~~E. Exceptions.~~

~~1. The ZAB may approve a Use Permit for a change of use to a community care or a child care facility which eliminates a dwelling unit if it finds that such use is in conformance with the regulations of the district in which it is located.~~

~~F. 2. Exception.~~ The ZAB may approve a Use Permit to eliminate a dwelling unit through combination with another dwelling unit for the purpose of providing private bathrooms, kitchenettes, accessibility upgrades, and/or seismic safety upgrades to single-~~residential~~residential occupancy rooms in residential developments undergoing a publicly-funded rehabilitation.

~~3. Notwithstanding the general Use Permit requirement under 23.326.020 (General Requirements), a lawfully established accessory dwelling unit that is not a controlled rental unit may be eliminated with a Zoning Certificate if:~~

~~(a) The re-conversion restores the original single-family use of the main building or lot; and~~

~~(b) No tenant is evicted.~~

~~23.326.050~~23.326.050 Demolition of Accessory Buildings.

~~Notwithstanding anything in Municipal Code Title 23 (Zoning Ordinance) to the contrary, but subject to any applicable requirements in Municipal Code Section 3.24 (Landmarks Preservation Ordinance), Accessory Buildings of any size, including, but not limited to, garages, carports, and sheds may be demolished by right except where the Accessory Building is occupied by a residential tenant (regardless of whether it is lawfully permitted) or otherwise contains a lawfully established residential unit, which serves and is located on the same lot as a lawful residential use.~~

23.326.060 Private Right of Action.

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Any affected tenant may bring a private action for injunctive and/or compensatory relief against any applicant and/or owner to prevent or remedy a violation of Sections 23.326.030 (Eliminating Dwelling Units through Demolition) and 23.326.040 (Eliminating Dwelling Units through Conversion and Change of Use). In any such action a prevailing plaintiff may recover reasonable attorney’s fees.-

~~23.326.060 — Elimination of Residential Hotel Rooms:~~

~~A. General Requirements. Before removal, the following requirements must be met for the ZAB to approve a Use Permit for the elimination of residential hotel rooms:~~

~~1. The residential hotel owner shall provide or cause to be provided standard housing of at least comparable size and quality, at comparable rents and total monthly or weekly charges to each affected tenant.~~

~~2. One of the following three requirements shall be met:~~

~~(a) The residential hotel rooms being removed are replaced by a common use facility, including, but not limited to, a shared kitchen, lounge, or recreation room, that will be available to and primarily of benefit to the existing residents of the residential hotel and that a majority of existing residents give their consent to the removal of the rooms.~~

~~(b) Before the date on which the residential hotel rooms are removed, one-for-one replacement of each room to be removed is made, with a comparable room, in one of the methods set forth in this section.~~

~~(c) Residential hotel rooms are removed because of building alterations related to seismic upgrade to the building or to improve access to meet the requirements of the American Disabilities Act (ADA).~~

~~B. Criteria for Replacement Rooms. For purposes of this section, replacement rooms must be:~~

~~1. Substantially comparable in size, location, quality, and amenities;~~

~~2. Subject to rent and eviction controls substantially equivalent to those provided by the Rent Stabilization Ordinance or those that applied to the original rooms which are~~

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being replaced; and

3. Available at comparable rents and total monthly or weekly charges to those being removed. Comparable rooms may be provided by:

(a) Offering the existing tenants of the affected rooms the right of first refusal to occupy the replacement rooms;

(b) Making available comparable rooms, which are not already classified as residential hotel rooms to replace each of the rooms to be removed; or

(c) Paying to the City of Berkeley's Housing Trust Fund an amount sufficient to provide replacement rooms.

i. The amount to be paid to the City of Berkeley shall be the difference between the replacement cost, including land cost, for the rooms and the amount which the City of Berkeley can obtain by getting a mortgage on the anticipated rents from the newly constructed rooms.

ii. The calculations shall assume that rents in the newly constructed rooms shall not exceed the greater of either a level comparable to the weekly or monthly charges for the replaced rooms or the level which would be charged if no current tenant paid more than 30 percent of such tenant's gross income for rent.

~~C. Exception for Non-Profit Ownership. In a residential hotel owned and operated by a non-profit organization, recognized as tax-exempt by either the Franchise Tax Board and/or the Internal Revenue Service, residential hotel rooms may be changed to non-residential hotel room uses if the average number of residential hotel rooms per day in each calendar year is at least 95 percent of residential hotel rooms established for that particular residential hotel.~~

23.326.070 ~~Demolitions~~Demolition of Non-Residential Buildings.

A. A.—Main Non-Residential Buildings. AA Use Permit is required to demolish a main building used for non-residential purposes may be demolished with a Use Permit on any lot.

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B. B.—Accessory Buildings. For any lot located in a non-residential zoning district, Accessory Buildings may be demolished as follows:

1. 1.—Demolishing an accessory building with less than 300 square feet of floor area is permitted as of right.

2. 2.—An accessory building with 300 square feet or more of floor area may be demolished with an AUP.

C. C.—Landmarks Preservation Commission Review.-

1. 1.—Any application for a Use Permit or AUP to demolish a non-residential building or structure ~~which~~that is 40 or more years old shall be forwarded to the Landmarks Preservation Commission (LPC) for review before consideration of the Use Permit or AUP.

2. 2.—The LPC may initiate a landmark or structure-of-merit designation or may choose solely to forward to the ZAB or Zoning Officer its comments on the application.

3. 3.—The ZAB or Zoning Officer shall consider the recommendations of the LPC ~~in~~ when acting on the application.

D. D.—Findings. A Use Permit or an AUP for demolition of a main building used for non-residential building or structure purposes on any lot or an accessory building located on a lot in a non-residential district may be approved only if the ZAB or the Zoning Officer finds that:

1. 1.—The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley; and

2. 2.—The demolition:

(a) (a)—Is required to allow a proposed new building or other proposed new use;

(b) (b)—Will remove a building which is unusable for activities which are compatible with the purposes of the district in which it is located or which is infeasible to modify for such uses;

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~~(c) (e)~~ Will remove a structure which represents an ~~inhabitable~~uninhabitable attractive nuisance to the public; or

~~(d) (d)~~ Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration that it is infeasible to obtain prior or concurrent approval for the new construction or new use which is contemplated by such specific plans or projects and that adhering to such a requirement would threaten the viability of the plan or project.-

23.326.080 Building Relocations.

A. A. ~~Treatment of Building Relocation.-~~

1. 1. Relocating a building from a lot is considered a demolition for purposes of this chapter.

2. 2. Relocating a building to a lot within the city is considered new construction and is subject to all requirements applicable to new construction.

3. 3. When a building is relocated to a different lot within ~~in~~ Berkeley, the lot from which the building is removed shall be known as the source lot and the lot on which the building is to be sited shall be known as the receiving lot. ~~In such cases all notification requirements apply to both the source and receiving lots.~~

B. Findings. The ~~ZAB may~~Zoning Officer shall approve a ~~Use Permit~~Zoning Certificate to relocate a building upon finding that:

1. ~~The building to be relocated is not in conflict with~~ the architectural character, ~~or resulting development on~~ the building scale of the neighborhood or area to which it will be relocated; and

B. 2. ~~The receiving lot provides adequate separation of buildings, privacy, yards, and usable open space.~~ is in conformance with applicable zoning code development standards.

23.326.090 Limitations.

A. A. ~~Unsafe, Hazard, or Danger.-~~

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~~1. 4.~~ Notwithstanding anything to the contrary, if a building or structure is unsafe, presents a public hazard, and is not securable and/or is in imminent danger of collapse so as to endanger persons or property, as determined by the city’s building official, it may be demolished without a Use Permit.

~~2. 2.~~ The Building Official’s determination in this matter shall be governed by the standards and criteria in the most recent edition of the California Building Code that is in effect in the City of Berkeley.

~~B.~~ *Ellis Act.* This chapter shall be applied only to the extent permitted by state law as to buildings which have been entirely withdrawn from the rental market pursuant to the Ellis Act (California Government Code Chapter 12.75).-

B.

Govt. Code section 66300 (SB-330, Housing Crisis Act of 2019)

.....

(d) Notwithstanding any other provision of this section, both of the following shall apply:

(1) An affected city or an affected county shall not approve a housing development project that will require the demolition of residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished.

(2) An affected city or an affected county shall not approve a housing development project that will require the demolition of occupied or vacant protected units, unless all of the following apply:

(A) (i) The project will replace all existing or demolished protected units.

(ii) Any protected units replaced pursuant to this subparagraph shall be considered in determining whether the housing development project satisfies the requirements of Section 65915 or a locally adopted requirement that requires, as a condition of the development of residential rental units, that the project provide a certain percentage of residential rental units affordable to, and occupied by, households with incomes that do not exceed the limits for moderate-income, lower income, very low income, or extremely low income households, as specified in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code.

(iii) Notwithstanding clause (i), in the case of a protected unit that is or was, within the five-year period preceding the application, subject to a form of rent or price control through a local government's valid exercise of its police power, and that is or was occupied by persons or families above lower income, the affected city or affected county may do either of the following:

(I) Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years.

(II) Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each unit is replaced. Unless otherwise required by the affected city or affected county's rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.

(B) The housing development project will include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the last five years.

(C) Any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice, subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(D) The developer agrees to provide both of the following to the occupants of any protected units:

(i) Relocation benefits to the occupants of those affordable residential rental units, subject to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1.

(ii) A right of first refusal for a comparable unit available in the new housing development affordable to the household at an affordable rent, as defined in Section 50053 of the Health and Safety Code, or an affordable housing cost, as defined in 50052.5.

(E) For purposes of this paragraph:

(i) “Equivalent size” means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(ii) “Protected units” means any of the following:

(I) Residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the past five years.

(II) Residential dwelling units that are or were subject to any form of rent or price control through a public entity’s valid exercise of its police power within the past five years.

(III) Residential dwelling units that are or were occupied by lower or very low income households within the past five years.

(IV) Residential dwelling units that were withdrawn from rent or lease in accordance with Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 within the past 10 years.

(iii) “Replace” shall have the same meaning as provided in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915.

(3) This subdivision shall not supersede any objective provision of a locally adopted ordinance that places restrictions on the demolition of residential dwelling units or the subdivision of residential rental units that are more protective of lower income households, requires the provision of a greater number of units affordable to lower income households, or that requires greater relocation assistance to displaced households.

(4) This subdivision shall only apply to a housing development project that submits a complete application pursuant to Section 65943 on or after January 1, 2020.

Govt. Code section 65915 (Density Bonus Law)

(c) (1) (A) An applicant shall agree to, and the city, county, or city and county shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

(B) (i) Except as otherwise provided in clause (ii), rents for the lower income density bonus units shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.

(ii) For housing developments meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b), rents for all units in the development, including both base density and density bonus units, shall be as follows:

(I) The rent for at least 20 percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.

(II) The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in subparagraph (B), and its proportionate share of appreciation, as defined in subparagraph (C), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.

(B) For purposes of this subdivision, the local government's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market

value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(C) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the local government's initial subsidy to the fair market value of the home at the time of initial sale.

(3) (A) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).

(ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(B) For the purposes of this paragraph, "replace" shall mean either of the following:

(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data

from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) If all dwelling units described in subparagraph (A) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that low-income and very low income renter households occupied these units in the same proportion of low-income and very low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(C) Notwithstanding subparagraph (B), for any dwelling unit described in subparagraph (A) that is or was, within the five-year period preceding the application, subject to a form of rent or price control through a local government's valid exercise of its police power and that is or was occupied by persons or families above lower income, the city, county, or city and county may do either of the following:

(i) Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each unit described in subparagraph (A) is replaced. Unless otherwise required by the jurisdiction's rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.

(D) For purposes of this paragraph, “equivalent size” means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(E) Subparagraph (A) does not apply to an applicant seeking a density bonus for a proposed housing development if the applicant’s application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

Govt. Code section 7060 et seq (Ellis Act)

(a) No public entity, as defined in Section 811.2, shall, by statute, ordinance, or regulation, or by administrative action implementing any statute, ordinance or regulation, compel the owner of any residential real property to offer, or to continue to offer, accommodations in the property for rent or lease, except for guestrooms or efficiency units within a residential hotel, as defined in Section 50519 of the Health and Safety Code, if the residential hotel meets all of the following conditions:

(1) The residential hotel is located in a city and county, or in a city with a population of over 1,000,000.

(2) The residential hotel has a permit of occupancy issued prior to January 1, 1990.

(3) The residential hotel did not send a notice of intent to withdraw the accommodations from rent or lease pursuant to subdivision (a) of Section 7060.4 that was delivered to the public entity prior to January 1, 2004.

(b) For the purposes of this chapter, the following definitions apply:

(1) "Accommodations" means either of the following:

(A) The residential rental units in any detached physical structure containing four or more residential rental units.

(B) With 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, including any detached physical structure specified in subparagraph (A).

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

7060.1

Notwithstanding Section 7060, nothing in this chapter does any of the following:

(a) Prevents a public entity from enforcing any contract or agreement by which an owner of residential real property has agreed to offer the accommodations for rent or lease in consideration for a direct financial contribution or, with respect to written contracts or agreements entered into prior to July 1, 1986, for any consideration. Any contract or agreement specified in this subdivision is not enforceable against a person who acquires title to the accommodations as a bona fide purchaser for value (or successors in interest thereof), unless:

(1) the purchaser at the time of acquiring title to the accommodations has actual knowledge of the contract or agreement, or

(2) a written memorandum of the contract or agreement which specifically describes the terms thereof and the affected real property, and which identifies the owner of the property, has been recorded with the county recorder prior to July 1, 1986, or not less than 30 days prior to transfer of title to the property to

the purchaser. The county recorder shall index such a written memorandum in the grantor-grantee index.

As used in this subdivision, “direct financial contribution” includes contributions specified in Section 65916 and any form of interest rate subsidy or tax abatement provided to facilitate the acquisition or development of real property.

(b) Diminishes or enhances, except as specifically provided in Section 7060.2, any power which currently exists or which may hereafter exist in any public entity to grant or deny any entitlement to the use of real property, including, but not limited to, planning, zoning, and subdivision map approvals.

(c) Diminishes or enhances any power in any public entity to mitigate any adverse impact on persons displaced by reason of the withdrawal from rent or lease of any accommodations.

(d) Supersedes any provision of Chapter 16 (commencing with Section 7260) of this division, Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of this code, Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code, Part 2 (commencing with Section 43) of Division 1 of the Civil Code, Title 5 (commencing with Section 1925) of Part 4 of Division 3 of the Civil Code, Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure, or Division 24 (commencing with Section 33000) of the Health and Safety Code.

(e) Relieves any party to a lease or rental agreement of the duty to perform any obligation under that lease or rental agreement.

7060.2

If a public entity, by valid exercise of its police power, has in effect any control or system of control on the price at which accommodations may be offered for rent or lease, that entity may, notwithstanding any provision of this chapter, provide by statute or ordinance, or by regulation as specified in Section 7060.5, that any accommodations which have been offered for rent or lease and which were subject to that control or system of control at the time the accommodations were withdrawn from rent or lease, shall be subject to the following:

(a) (1) For all tenancies commenced during the time periods described in paragraph (2), the accommodations shall be offered and rented or leased at the lawful rent in effect at the time any notice of intent to withdraw the accommodations is filed with the public entity, plus annual adjustments available under the system of control.

(2) The provisions of paragraph (1) shall apply to all tenancies commenced during either of the following time periods:

(A) The five-year period after any notice of intent to withdraw the accommodations is filed with the public entity, whether or not the notice of intent is rescinded or the withdrawal of the accommodations is completed pursuant to the notice of intent.

(B) The five-year period after the accommodations are withdrawn.

(3) This subdivision shall prevail over any conflicting provision of law authorizing the landlord to establish the rental rate upon the initial hiring of the accommodations.

(b) If the accommodations are offered again for rent or lease for residential purposes within two years of the date the accommodations were withdrawn from rent or lease, the following provisions shall govern:

(1) The owner of the accommodations shall be liable to any tenant or lessee who was displaced from the property by that action for actual and exemplary damages. Any action by a tenant or lessee pursuant to this paragraph shall be brought within three years of the withdrawal of the accommodations from rent or lease. However, nothing in this paragraph precludes a tenant from pursuing any alternative remedy available under the law.

(2) A public entity which has acted pursuant to this section may institute a civil proceeding against any owner who has again offered accommodations for rent or lease subject to this subdivision, for exemplary damages for displacement of tenants or lessees. Any action by a public entity pursuant to this paragraph shall be brought within three years of the withdrawal of the accommodations from rent or lease.

(3) Any owner who offers accommodations again for rent or lease shall first offer the unit for rent or lease to the tenant or lessee displaced from that unit by the withdrawal pursuant to this chapter, if the tenant has advised the owner in writing within 30 days of the displacement of the tenant's desire to consider an offer to renew the tenancy and has furnished the owner with an address to which that offer is to be directed. That tenant, lessee, or former tenant or lessee may advise the owner at any time during the eligibility of a change of address to which an offer is to be directed.

If the owner again offers the accommodations for rent or lease pursuant to this subdivision, and the tenant or lessee has advised the owner pursuant to this subdivision of a desire to consider an offer to renew the tenancy, then the owner shall offer to reinstitute a rental agreement or lease on terms permitted by law to that displaced tenant or lessee.

This offer shall be deposited in the United States mail, by registered or certified mail with postage prepaid, addressed to the displaced tenant or lessee at the address furnished to the owner as provided in this subdivision, and shall describe the terms of the offer. The displaced tenant or lessee shall have 30 days from the deposit of the offer in the mail to accept the offer by personal delivery of that acceptance or by deposit of

the acceptance in the United States mail by registered or certified mail with postage prepaid.

(c) A public entity which has acted pursuant to this section, may require by statute or ordinance, or by regulation as specified in Section 7060.5, that an owner who offers accommodations again for rent or lease within a period not exceeding 10 years from the date on which they are withdrawn, and which are subject to this subdivision, shall first offer the unit to the tenant or lessee displaced from that unit by the withdrawal, if that tenant or lessee requests the offer in writing within 30 days after the owner has notified the public entity of an intention to offer the accommodations again for residential rent or lease pursuant to a requirement adopted by the public entity under subdivision (c) of Section 7060.4. The owner of the accommodations shall be liable to any tenant or lessee who was displaced by that action for failure to comply with this paragraph, for punitive damages in an amount which does not exceed the contract rent for six months, and the payment of which shall not be construed to extinguish the owner's obligation to comply with this subdivision.

(d) If the accommodations are demolished, and new accommodations are constructed on the same property, and offered for rent or lease within five years of the date the accommodations were withdrawn from rent or lease, the newly constructed accommodations shall be subject to any system of controls on the price at which they would be offered on the basis of a fair and reasonable return on the newly constructed accommodations, notwithstanding any exemption from the system of controls for newly constructed accommodations.

(e) The amendments to this section enacted by the act adding this subdivision shall apply to all new tenancies created after December 31, 2002. If a new tenancy was lawfully created prior to January 1, 2003, after a lawful withdrawal of the unit under this chapter, the amendments to this section enacted by the act adding this subdivision may not apply to new tenancies created after that date.

7060.3

If a public entity determines to apply constraints pursuant to Section 7060.2 to a successor in interest of an owner who has withdrawn accommodations from rent or lease, the public entity shall record a notice with the county recorder which shall specifically describe the real property where the accommodations are located, the dates applicable to the constraints and the name of the owner of record of the real property. The notice shall be indexed in the grantor-grantee index.

A person who acquires title to the real property subsequent to the date upon which the accommodations thereon have been withdrawn from rent or lease, as a bona fide purchaser for value, shall not be a successor in interest for the purposes of this chapter if the notice prescribed by this section has not been recorded with the county recorder at least one day before the transfer of title.

7060.4

(a) Any public entity which, by a valid exercise of its police power, has in effect any control or system of control on the price at which accommodations are offered for rent or lease, may require by statute or ordinance, or by regulation as specified in Section 7060.5, that the owner notify the entity of an intention to withdraw those accommodations from rent or lease and may require that the notice contain statements, under penalty of perjury, providing information on the number of accommodations, the address or location of those accommodations, the name or names of the tenants or lessees of the accommodations, and the rent applicable to each residential rental unit. Information respecting the name or names of the tenants, the rent applicable to any residential rental unit, or the total number of accommodations, is confidential information and for purposes of this chapter shall be treated as confidential information by any public entity for purposes of the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). A public entity shall, to the extent required by the preceding sentence, be considered an “agency,” as defined by subdivision (d) of Section 1798.3 of the Civil Code.

(b) The statute, ordinance, or regulation of the public entity may require that the owner record with the county recorder a memorandum summarizing the provisions, other than the confidential provisions, of the notice in a form which shall be prescribed by the statute, ordinance, or regulation, and require a certification with that notice that actions have been initiated as required by law to terminate any existing tenancies. In that situation, the date on which the accommodations are withdrawn from rent or lease for purposes of this chapter is 120 days from the delivery in person or by first-class mail of that notice to the public entity. However, if the tenant or lessee is at least 62 years of age or disabled, and has lived in their accommodations or unit within the accommodations for at least one year prior to the date of delivery to the public entity of the notice of intent to withdraw pursuant to subdivision (a), then the date of withdrawal of the accommodations of that tenant or lessee shall be extended to one year after the date of delivery of that notice to the public entity, provided that the tenant or lessee gives written notice of their entitlement to an extension to the owner within 60 days of the date of delivery to the public entity of the notice of intent to withdraw. In that situation, the following provisions shall apply:

(1) The tenancy shall be continued on the same terms and conditions as existed on the date of delivery to the public entity of the notice of intent to withdraw, subject to any adjustments otherwise available under the system of control.

(2) No party shall be relieved of the duty to perform any obligation under the lease or rental agreement.

(3) The owner may elect to extend the tenancy on any other unit within the accommodations up to one year after date of delivery to the public entity of the notice of intent to withdraw, subject to paragraphs (1) and (2).

(4) Within 30 days of the notification by the tenant or lessee to the owner of their entitlement to an extension, the owner shall give written notice to the public entity of the claim that the tenant or lessee is entitled to stay in their accommodations or unit within the accommodations for one year after date of delivery to the public entity of the notice of intent to withdraw.

(5) Within 90 days of date of delivery to the public entity of the notice of intent to withdraw, the owner shall give written notice of the owner's election to extend a tenancy under paragraph (3) and the revised date of withdrawal to the public entity and any tenant or lessee whose tenancy is extended.

(6) The date of withdrawal for the accommodations as a whole, for purposes of calculating the time periods described in Section 7060.2, shall be the latest termination date among all tenants within the accommodations, as stated in the notices required by paragraphs (4) and (5). An owner's further voluntary extension of a tenancy beyond the date stated in the notices required by paragraphs (4) and (5) shall not extend the date of withdrawal.

(c) The statute, ordinance, or regulation of the public entity adopted pursuant to subdivision (a) may also require the owner to notify any tenant or lessee displaced pursuant to this chapter of the following:

(1) That the public entity has been notified pursuant to subdivision (a).

(2) That the notice to the public entity specified the name and the amount of rent paid by the tenant or lessee as an occupant of the accommodations.

(3) The amount of rent the owner specified in the notice to the public entity.

(4) Notice to the tenant or lessee of their rights under paragraph (3) of subdivision (b) of Section 7060.2.

(5) Notice to the tenant or lessee of the following:

(A) If the tenant or lessee is at least 62 years of age or disabled, and has lived in their accommodations for at least one year prior to the date of delivery to the public entity of the notice of intent to withdraw, then tenancy shall be extended to one year after date of delivery to the public entity of the notice of intent to withdraw, provided that the tenant or lessee gives written notice of their entitlement to the owner within 60 days of date of delivery to the public entity of the notice of intent to withdraw.

(B) The extended tenancy shall be continued on the same terms and conditions as existed on date of delivery to the public entity of the notice of intent to withdraw, subject to any adjustments otherwise available under the system of control.

(C) No party shall be relieved of the duty to perform any obligation under the lease or rental agreement during the extended tenancy.

(d) The statute, ordinance, or regulation of the public entity adopted pursuant to subdivision (a) may also require the owner to notify the public entity in writing of an intention to again offer the accommodations for rent or lease.

7060.5

The actions authorized by Sections 7060.2 and 7060.4 may be taken by regulation adopted after public notice and hearing by a public body of a public entity, if the members of the body have been elected by the voters of the public entity. The regulation shall be subject to referendum in the manner prescribed by law for the ordinances of the legislative body of the public entity except that:

(a) The decision to repeal the regulation or to submit it to the voters shall be made by the public body which adopted the regulation.

(b) The regulation shall become effective upon adoption by the public body of the public entity and shall remain in effect until a majority of the voters voting on the issue vote against the regulation, notwithstanding Section 9235, 9237, or 9241 of the Elections Code or any other law.

7060.6

If an owner seeks to displace a tenant or lessee from accommodations withdrawn from rent or lease pursuant to this chapter by an unlawful detainer proceeding, the tenant or lessee may appear and answer or demur pursuant to Section 1170 of the Code of Civil Procedure and may assert by way of defense that the owner has not complied with the applicable provisions of this chapter, or statutes, ordinances, or regulations of public entities adopted to implement this chapter, as authorized by this chapter.

7060.7

It is the intent of the Legislature in enacting this chapter to supersede any holding or portion of any holding in *Nash v. City of Santa Monica*, 37 Cal.3d 97 to the extent that the holding, or portion of the holding, conflicts with this chapter, so as to permit landlords to go out of business. However, this act is not otherwise intended to do any of the following:

(a) Interfere with local governmental authority over land use, including regulation of the conversion of existing housing to condominiums or other subdivided interests or to other nonresidential use following its withdrawal from rent or lease under this chapter.

(b) Preempt local or municipal environmental or land use regulations, procedures, or controls that govern the demolition and redevelopment of residential property.

(c) Override procedural protections designed to prevent abuse of the right to evict tenants.

(d) Permit an owner to do any of the following:

(1) Withdraw from rent or lease less than all of the accommodations, as defined by paragraph (1) or (2) of subdivision (b) of Section 7060.

(2) Decline to make a written re rental offer to any tenant or lessee who occupied a unit at the time when the owner gave the public entity notice of its intent to withdraw the accommodations, in the manner and within the timeframe specified in paragraph (3) of subdivision (b), or in subdivision (c), of Section 7060.2. But the requirements of this paragraph shall not apply to:

(A) A unit that was the principal place of residence of any owner or owner's family member at the time of withdrawal, provided that it continues to be that person's or those persons' principal place of residence when accommodations are returned to the rental market as provided in this section.

(B) A unit that is the principal place of residence of an owner when the accommodations are returned to the rental market, if it is the owners' principal place of residence, at the time of return to the rental market, as provided in this section. If the owner vacates the unit within 10 years from the date of withdrawal, the owner shall, within 30 days, offer to re rent if required under this paragraph.

(e) Grant to any public entity any power which it does not possess independent of this chapter to control or establish a system of control on the price at which accommodations may be offered for rent or lease, or to diminish any such power which that public entity may possess, except as specifically provided in this chapter.

(f) Alter in any way either Section 65863.7 relating to the withdrawal of accommodations which comprise a mobilehome park from rent or lease or subdivision (f) of Section 798.56 of the Civil Code relating to a change of use of a mobilehome park.

MEMORANDUM

DATE: September 27, 2023
TO: Honorable Members of the 4x4 Joint Task Force Committee on Housing: City Council and Rent Board
FROM: Rent Board Chairperson Leah Simon-Weisberg
SUBJECT: Proposed Amendment to Demolition Ordinance

23.326.030 C. Conditions of Approval.

Any Residential Unit(s) that will be demolished shall be replaced with equivalent units. Any units created to comply with applicable affordability requirements in Chapter 23.328 [Affordable Housing Requirements], Chapter 23.330 [Density Bonus], or that replace a protected unit as defined in Government Code section 66300(d)(2)(E)(ii) shall be subject the following additional requirements:

1. Initial rents for such units shall be set at 30% of the Area Median Income unless, in the case of a sitting tenant, more specific requirements of section 23.326.030.D apply.
2. The owner of such units shall not increase the rent for any tenant greater than the lesser of 65% of the 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 December 31) on an annual basis.
3. Material terms of any tenancy in such units shall not be subject to any unilateral change during the term of that tenancy unless necessary for the owner to meet any compliance requirements associated with Chapter 23.328 or any other regulatory agreement with a government entity for the purposes of controlling or subsidizing the rent level of such units.
4. Any tenant of such units may petition to adjust the lawful rent of such rent in response to:
 - a. Decreases living space, furniture, furnishings, equipment, or other housing services provided, or occupancy rules;
 - b. Substantial deterioration of the controlled rental unit other than as a result of normal wear and tear; or
 - c. Failure on the part of the landlord to provide adequate housing services, or to comply substantially with applicable state rental housing laws, local housing, health and safety codes, any regulatory agreement that the property is subject to; any applicable federal, state, or local regulations

pursuant to a subsidy program that applies to the property; or the rental agreement.

5. The Rent Stabilization Board shall have the authority to administer the requirements of this section, including to adjudicate any petition through the procedures in Chapter 13.76 and associated regulations of the Rent Stabilization Board.
6. Notwithstanding any other provision of law, the requirements of this section shall be enforceable for as long as such unit is rented or available for rent and shall be enforceable against all successor owners.



RENT STABILIZATION BOARD

AD HOC COMMITTEE TO CONSIDER RENT ORDINANCE AMENDMENTS AT THE NOVEMBER 2024 GENERAL ELECTION

Monday, October 2, 2023 – 5:00 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/83989039050?pwd=HRxfKnTNMJJo4QfFYIzD465HgCj27DN.1>. If you do not wish your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself as 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: 839 8903 9050 and Passcode: 522414. 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 AD HOC COMMITTEE ON RENT ORDINANCE AMENDMENTS." 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 3:00 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. 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
AD HOC COMMITTEE TO CONSIDER RENT ORDINANCE AMENDMENTS
AT THE NOVEMBER 2024 GENERAL ELECTION

Monday, October 2, 2023 – 5:00 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 (Huchiun-(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 agenda
4. Public Comment
5. Election of Committee Chair
6. Discussion and possible action regarding Permissible Activities by Agency Staff and Individual Board Commissioners during an Initiative Process (Attached to Agenda)
7. Discussion and possible action regarding Potential Berkeley Rent Ordinance Amendments to be placed on the November 2024 General Election Ballot
8. Discussion and possible action to set the next meeting
9. Adjournment

STAFF CONTACT: Matt Brown, General Counsel (510) 981-4930
COMMITTEE: Soli Alpert, Xavier Johnson, Andy Kelley, Leah Simon-Weisberg