



RENT STABILIZATION BOARD

Regular Meeting

Thursday, September 21, 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/81315510979?pwd=LytGV2RZUDNrNVl4NHRJWkhHcVhSUT09>. 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: 813 1551 0979 and Passcode: 101882. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

To submit a written communication for the Board's consideration and inclusion in the public record, please email amueller@berkeleyca.gov with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. **Email comments must be submitted to the email address above by 5:00 p.m. on the day of the 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, at (510) 981-7368 (981-RENT). The Rent Board 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

Regular Meeting

Thursday, September 21, 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. **SPECIAL PRESENTATION**: **2022 Berkeley Tenant Survey Summary Report** by Laura Gil-Trejo, Director, Social Science Research Center, CSU Fullerton
7. **SPECIAL PRESENTATION**: **State Legislative Report** by Brian Augusta, Public Interest Advocates
8. **CONSENT ITEMS** – 1 min.*
 - 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

9. APPEAL – 8:30 p.m.**

***This appeal will not be heard before 8:30 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.

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 – 1 min. per speaker

- a. Chair Update (Chair Simon-Weisberg) – 5 min.*

11. 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 outreach update – *Verbal* (Public Information Unit Manager) – 5 min.*
- b. Copy of August 28, 2023 final Eviction Moratorium mailing sent to Berkeley landlords, property managers and tenants (Public Information Unit Manager) – 3 min.*
- c. Update on recent Rent Board outreach events – *Verbal* (Public Information Unit Manager) – 5 min.*
- d. Presentation on Appeal Opinion and California Supreme Court Order denying review in *NCR Properties, LLC v. City of Berkeley et al.* (Legal Unit) – 15 min.*
- 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) – 1 min.*
<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) – 5 min.*
Next regularly-scheduled meeting: To Be Announced (TBA)
- b. Eviction/Section 8/Foreclosure Committee (Commissioner Elstrand, Chair) – 5 min.*
Next regularly-scheduled meeting: TBA

- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair) – 5 min.*
Next regularly-scheduled meeting: Tuesday, October 3rd at 5:30 p.m.

July 24th agenda

- d. Outreach Committee (Vice-Chair Alpert, Chair) – 5 min.*
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 – 5 min.*
(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) – 5 min.*
Next meeting date: Monday, Sept. 25th at 5:30 p.m.

- g. Ad Hoc Committee on Environmental Sustainability (Commissioner Martinac,
Chair) – 5 min.*
Next meeting date: TBA

Sept. 6th agenda

- h. Updates and Announcements – 5 min.*
- i. Discussion of items for possible placement on future agenda – 5 min.*

13. 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.

Understanding the Experiences of Berkeley Renters

The Results of a Mail Survey of Residents Living in Rent-Stabilized Units

Laura Gil-Trejo, MPH, MA

The Social Science Research Center

9/21/23

Cal State **Fullerton**

Survey Purpose

- To collect essential data on the characteristics of tenants served by the Rent Stabilization Program, how they perceive the quality of the buildings they live in, their relations with property owners and managers, and their experience with the Rent Board.
- Addresses rent control's contribution to assisting low-income non-student households.
- The survey included items regarding the financial impacts of COVID-19 and climate change concerns.
- This is the fifth survey of tenants carried out by the Rent Stabilization Board.
- Previous surveys were conducted in 1984, 1988, 1998 (just before vacancy decontrol), and 2009.



Survey Methodology and Response

Cal State Fullerton

Methodology

- **Timeline (2022-2023)**

- Phase I

- October 15: Pre-notification postcard including a QR code and an online link for those willing to complete the survey online
 - October 21: Letter containing the survey
 - November 2: Reminder postcard with survey link and QR code
 - Late November: Final letter with a replacement copy of the survey was sent to all non-responsive addresses

- Phase II

- February 17-20: Invitation letter with QR code was sent to Phase II addresses

- The sampling universe:

- Almost all housing units currently rented or available for rent in properties with two or more units that were built prior to 1980.
 - These 19,300 units make up about 73% of Berkeley's rental housing stock.
- Utilized the “Total Design Method” (Dillman, 1986), capitalizing on online survey methods.
 - Similar methods to the 1988, 1998, and 2009
 - Survey respondents were promised confidentiality and received a \$5 Peet’s or Amazon gift card for completing the survey
- Used additional information listed in the Rent Board database

Sample and Response Raw Data

		Sample Information			Response Information		
Phase	Tenant Type	Universe	Sample	Probability of selection	PO Returns	Completed	Response Rate
Phase I	Long-Term Tenancy	4,884	1,040	One-in-five	35	230	22.1%
	Short-Term Tenancy	14,416	1,560	One-in-nine	65	233	15.0%
	Total Units	19,300	2,600		100	463	17.8%
Weighted Average:							16.8%
Phase II	Long-Term Tenancy	3,844	1,520	Two-in-five	25	176	11.6%
	Short-Term Tenancy	12,856	2,280	One-in-six	34	295	12.9%
	Total Units	16,700	3,800		59	471	12.3%
Weighted Average:							11.5%

Definitions

- Long Term Tenant: Those who have been in their units longer than ten years. (Includes very few students.)
- Short Term Tenant: Those who have been in their units for less than ten years.
 - Student households are defined as those entirely composed of adult full-time students.
 - Non-student households are entirely or partially made up of people who are not full-time students.

Survey Outcomes and Adjustments

Tenant Type	Raw Data	Adjustment	Final
Long-Term Tenancy	406	(102)	304
Short-Term Tenancy	528	65	593
Total Units	934	(37)	897

Adjustments

- 20 long-term and 16 short-term respondents received monthly rental assistance → Removed from data
- 1 long-term respondent reported not paying rent → Removed from data
- 82 “long-term” tenants reported moving into their units within the last ten years → Reclassified as short-term tenants.
- 22 “short-term” tenants reported moving in more than ten years ago → Left as short term tenants.

- For purposes of generating citywide statistics applicable to all tenants in the two sample groups, the responses from each group were given different weights.
 - Each response represented the proportional number of tenants within the estimated universe for long-term and short-term tenants.
- We observed that the study under-represented larger buildings, units with studios or single rooms. However, the study adequately represented the Market area, Hills, Central Berkeley University-Downtown, West Berkeley, South Berkeley

Survey Accuracy

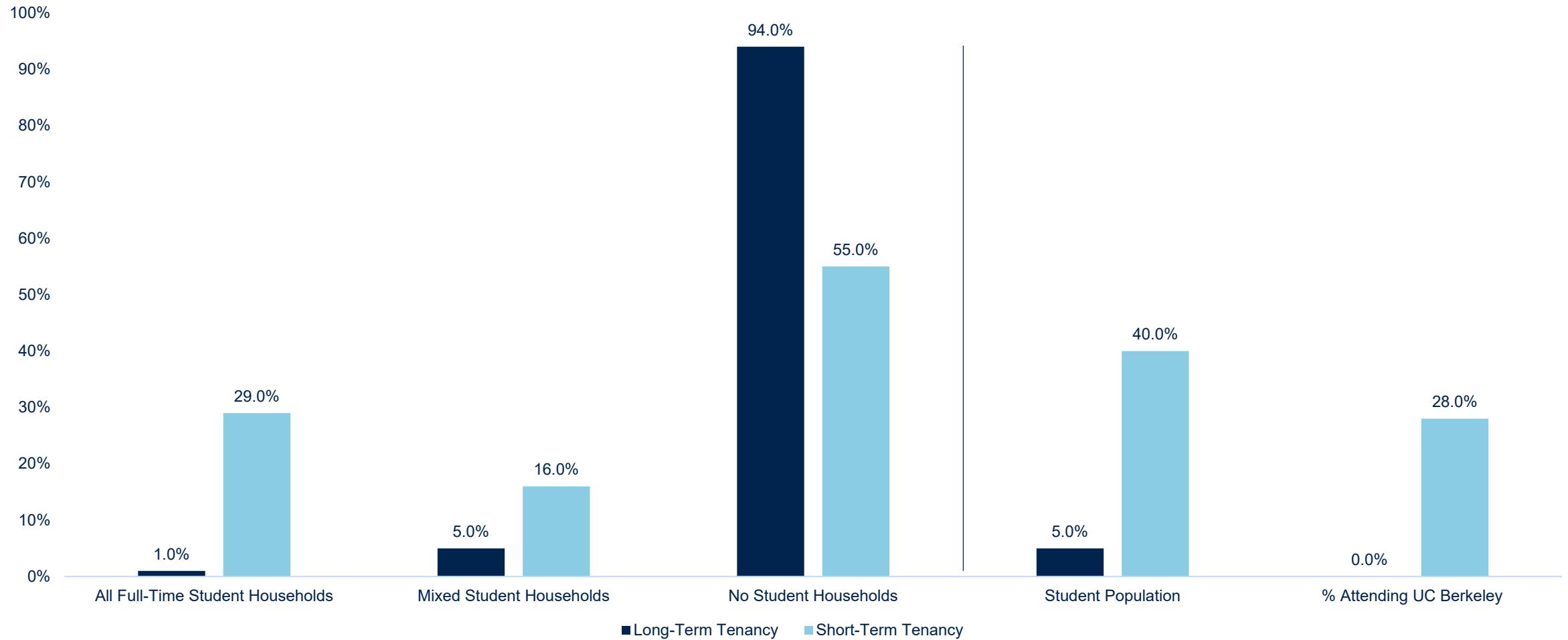
+/- 5% at 95%
confidence level



Tenant Characteristics

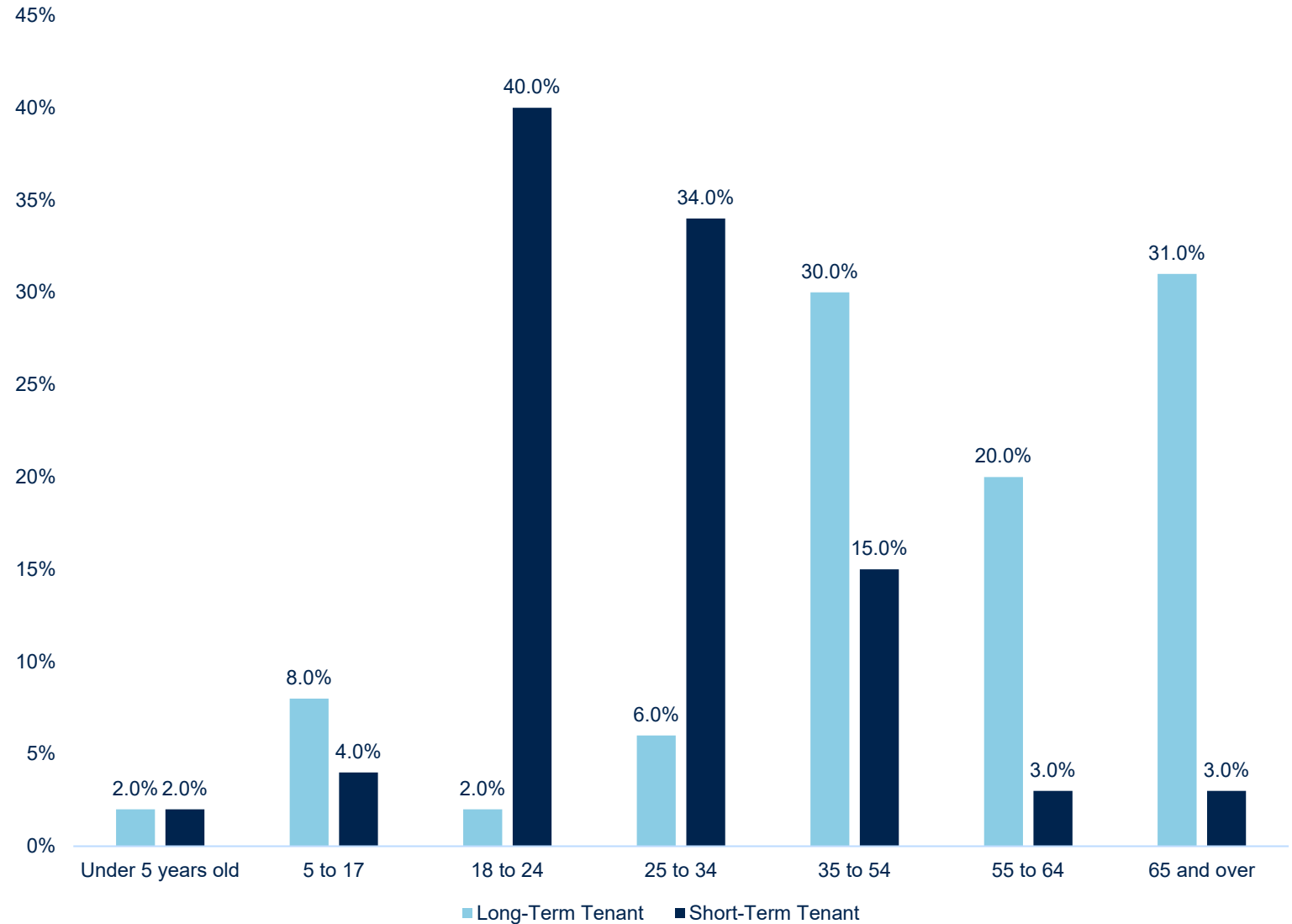
Cal State Fullerton

Student Demographics by Household Type



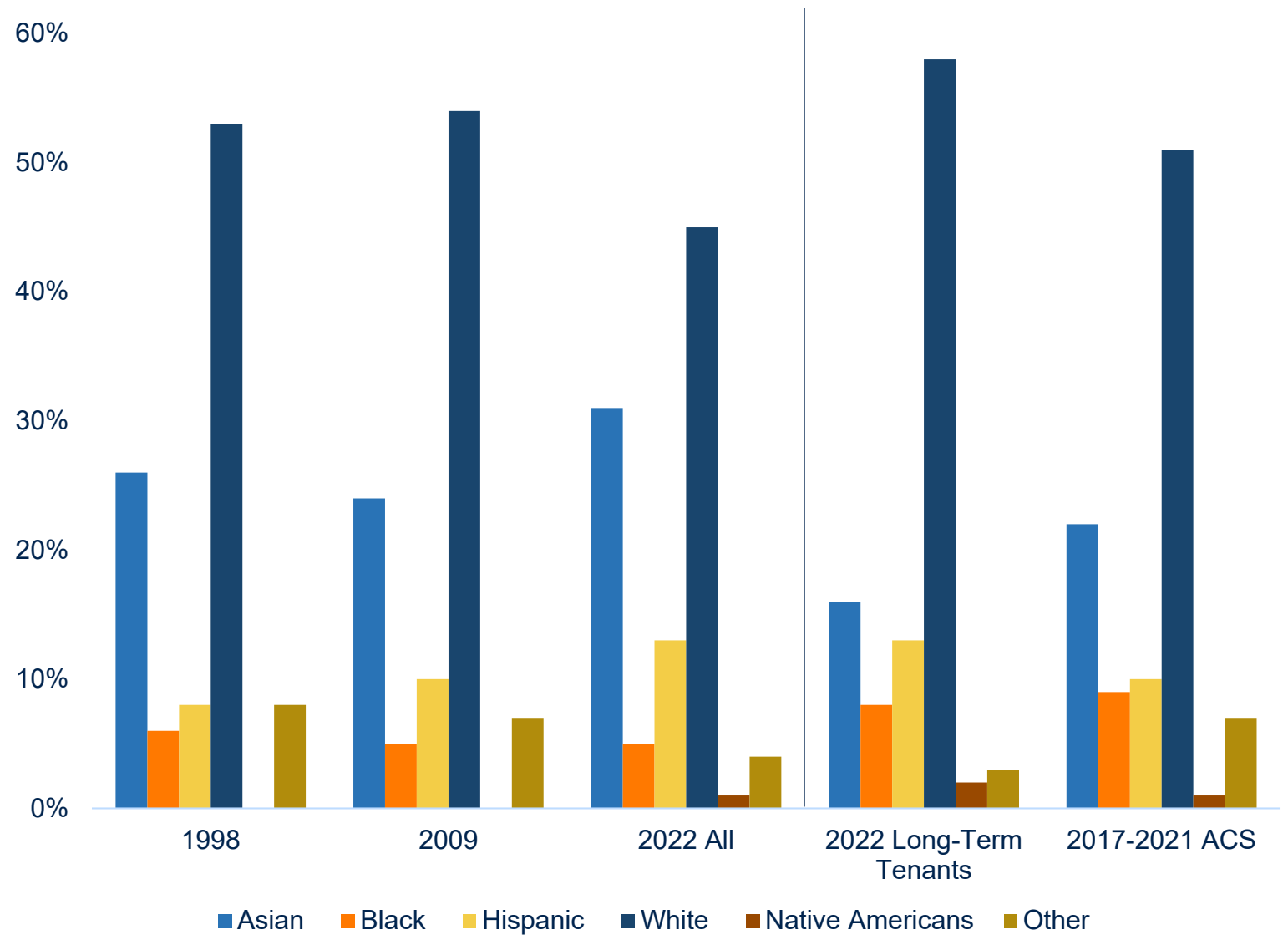
Age Profile of Respondent Households

- Age profile was not significantly different from 2009
- Median Age:
 - Long-term Tenants: 60
 - Short-term Tenants: 30
- Adults 55 and older:
 - Long-term Tenants: 51%
 - Short-term Tenants: 6%
- Children under 17:
 - Long-term Tenants: 10%
 - Short-Term Tenants: 6%



Changes in Race, 1998, 2009 to 2022

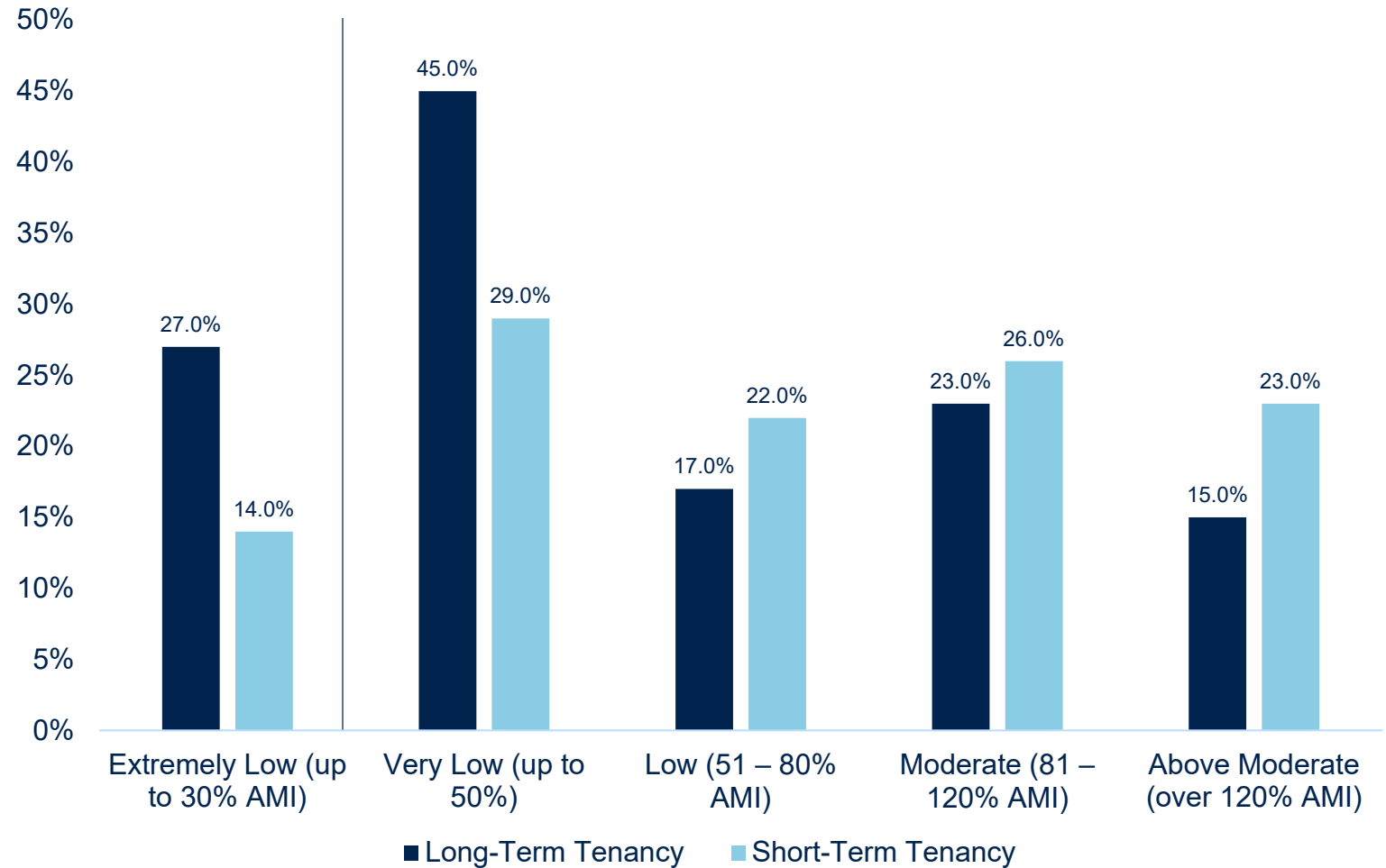
- Larger proportion of Asians
 - 2009: 24%
 - 2022: 31%
- Lower proportion of Whites
 - 2009: 54%
 - 2022: 45%



Income

- All median income of \$64,500
 - 2009: \$45,250 (in 2022 dollars)
 - 1998: \$46,550 (in 2022 dollars)
- Non-student median income: \$74,500
 - Long-term tenants: \$64,500
 - Short-term tenants: \$84,500
 - 2009 all tenants: \$60,200 (in 2022 dollars)
- HUD categories are based on Area Median Income (AMI) adjusted by household size. The Alameda County AMI increased by 20% from 2008 to 2022 after adjusting for inflation.
- Very Low-Income total includes Extremely Low Income.

Non-Student Tenant Households by HUD Income Category



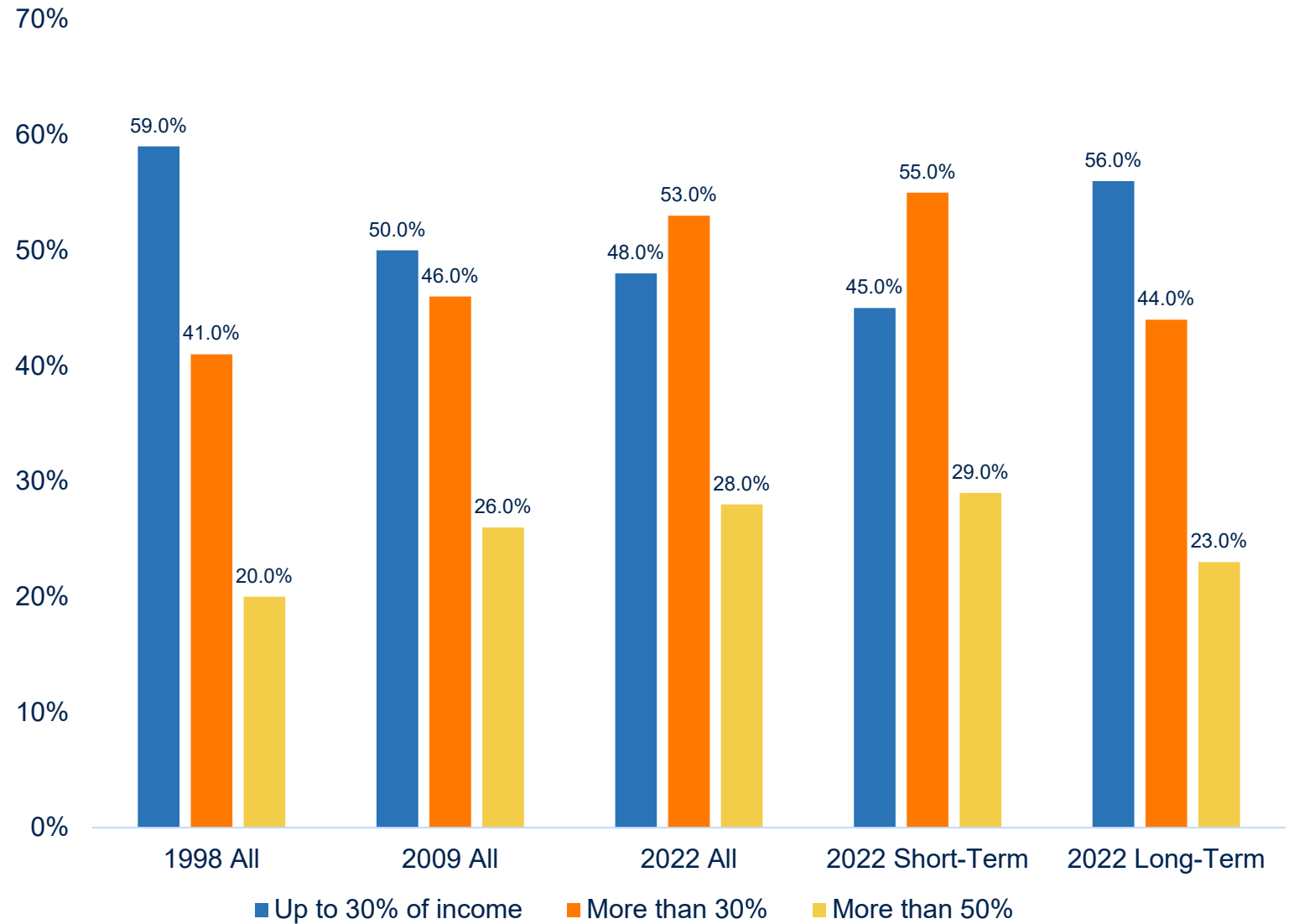


Rent and Building Conditions

Cal State Fullerton

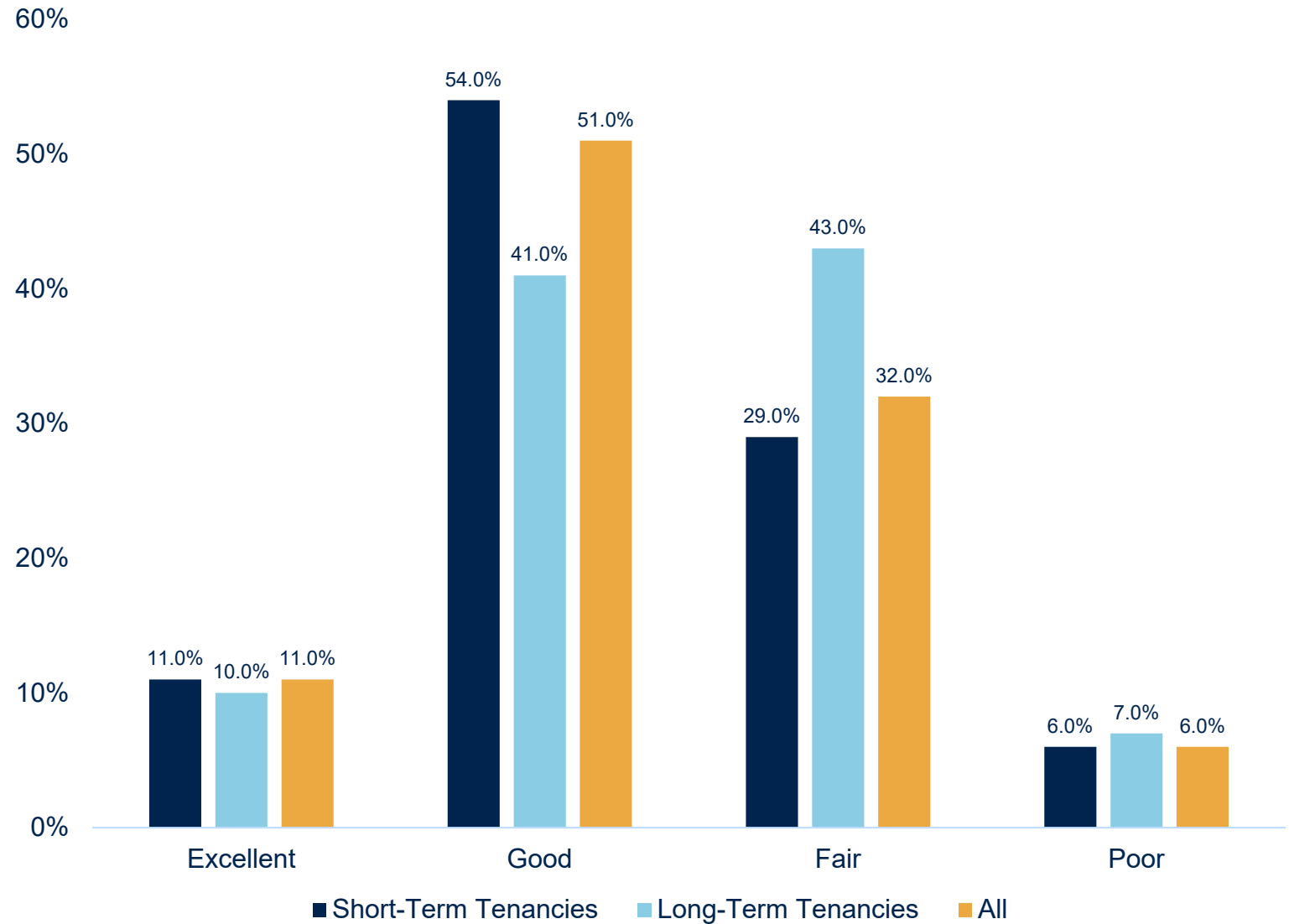
Rent Burden of Non-Student Households: 1998, 2009, 2022

- Median monthly contract rent: \$2,083
 - 4% difference from the Rent Board's reported median of \$2,005 for October 1, 2022.
- Median rent:
 - Long-term tenants: \$1,200
 - Short-term tenants: \$2,295
 - Student rent: \$2,500
 - Median non-student: \$2,200



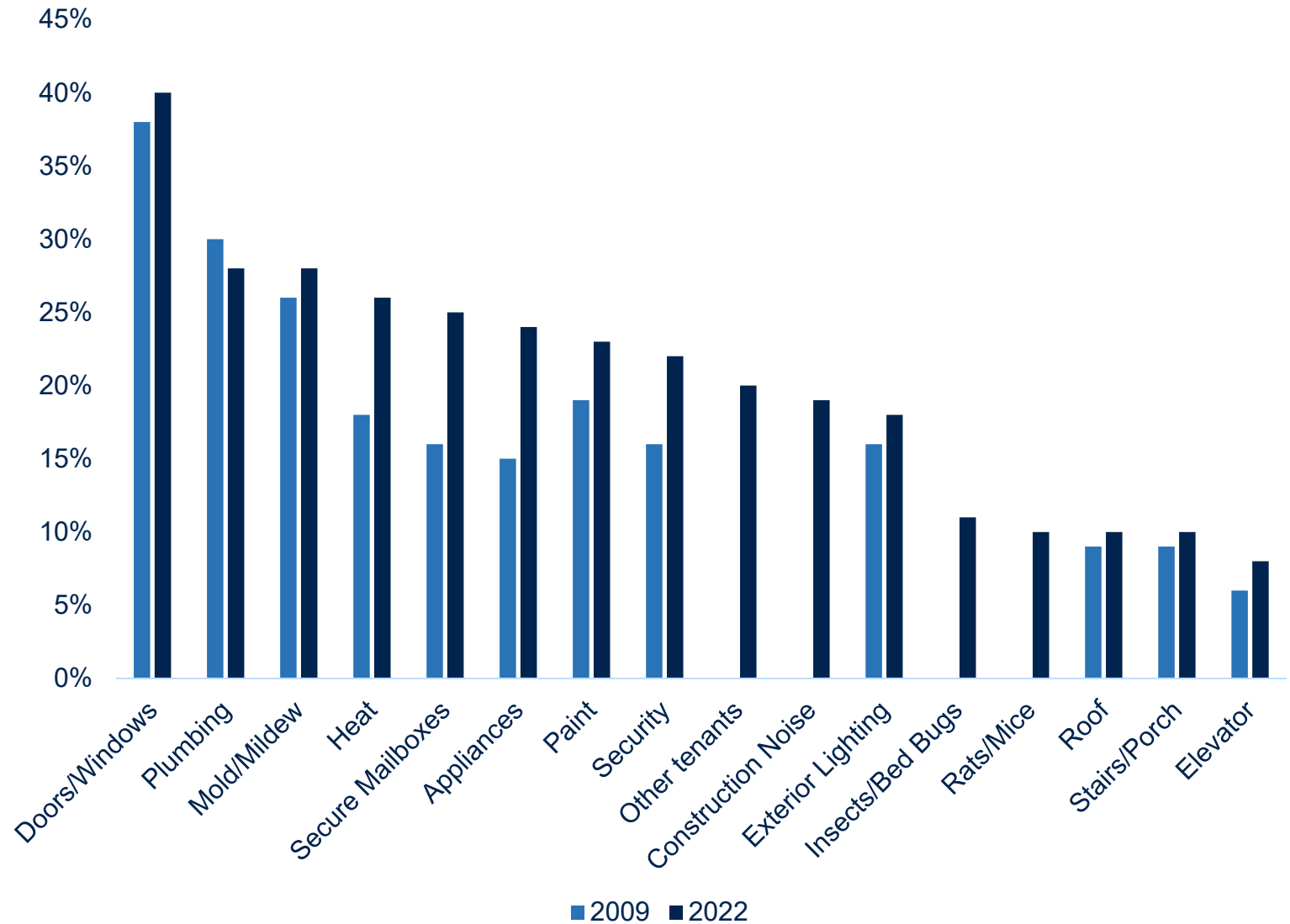
Unit Conditions

- Rental unit is in:
 - Excellent or good condition: 62%
 - 2009: 61%
 - 1998: 47%
 - Fair condition:
 - Long-term tenants: 43%
 - Short-term tenants: 29%



Building Problems

- 65% of participants reported their building was in the same condition as when they first moved in.
 - Long-term tenants: 45%
 - Short-term tenants: 69%
- 79% of respondents reported there was a physical problem in their building.
 - 2009: 75%
 - 1998: 83%
- The average number of problems per building among the 727 buildings represented by the 897 survey respondents in 2022 was 3.2
 - 2009: 2.4 problems per building
 - 1998: 3.5 problems per building

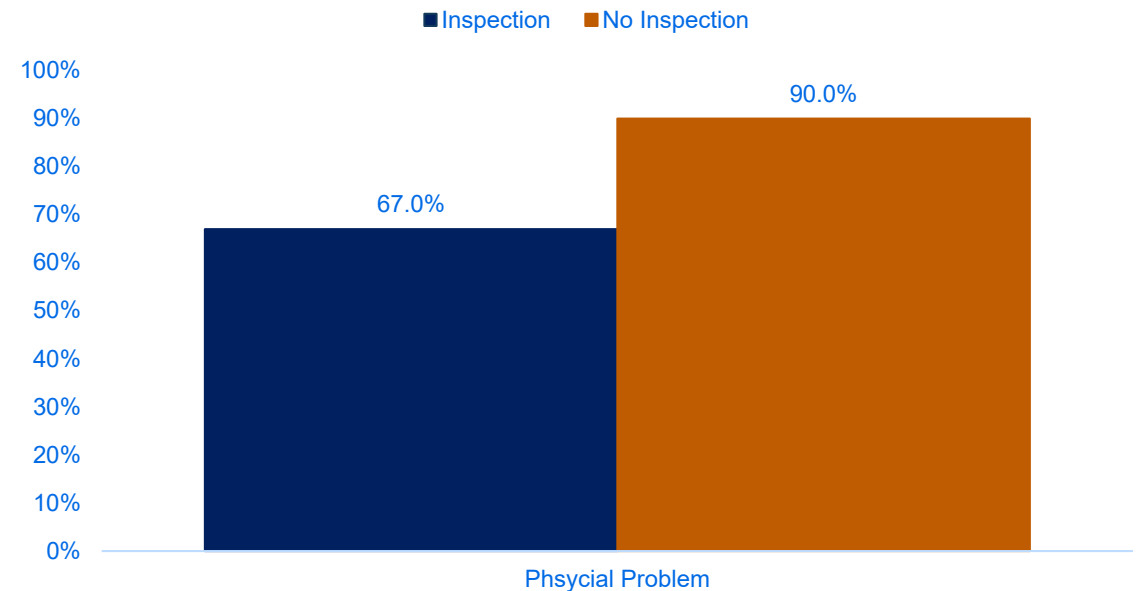


Preventive Safety Inspections

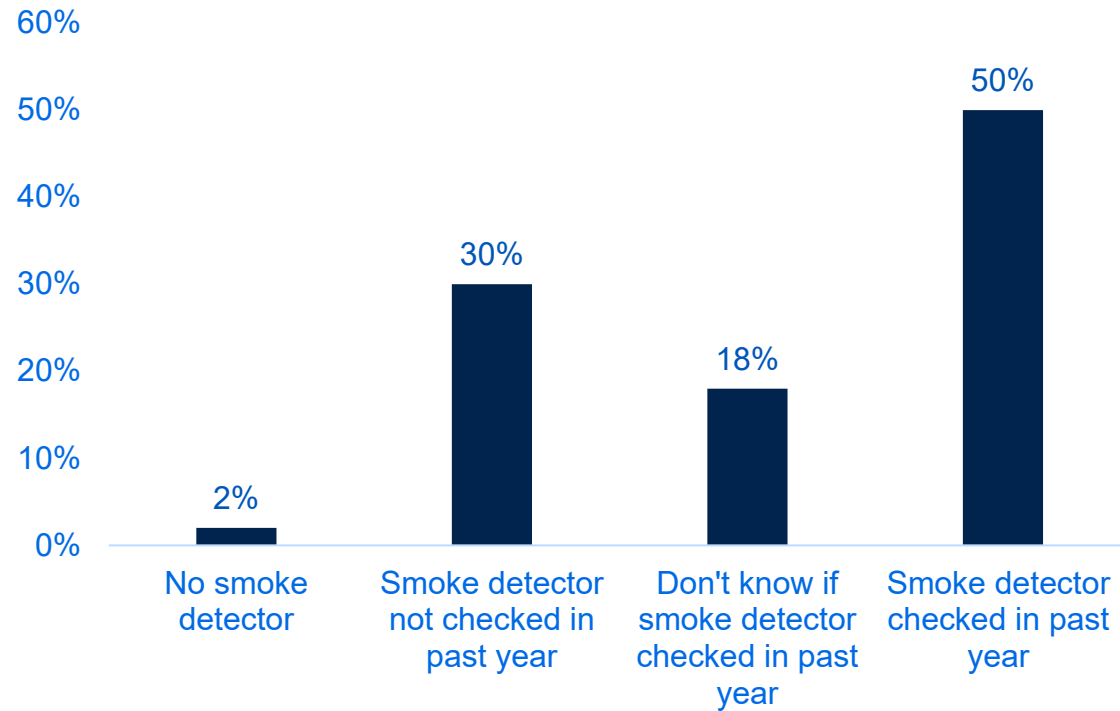
- 44% noted that their landlord or manager had inspected their unit in the past year.
 - 50% long-term tenants
 - 42% short-term tenants
- 43% noted no inspection
- 13% did not know

- Buildings with inspections:
 - 2.7 problems per building
- Buildings without inspections:
 - 4.1 problems per building

Figure 7. Presence of Physical Problem in Building by Safety Inspection



Presence of Smoke Detectors



- Smoke detector not checked
 - Short-term tenants: 31%
 - Long-term tenants: 25%
- Smoke detector check unknown
 - Short-term tenant: 22%
 - Long-term tenant: 6%

Disability

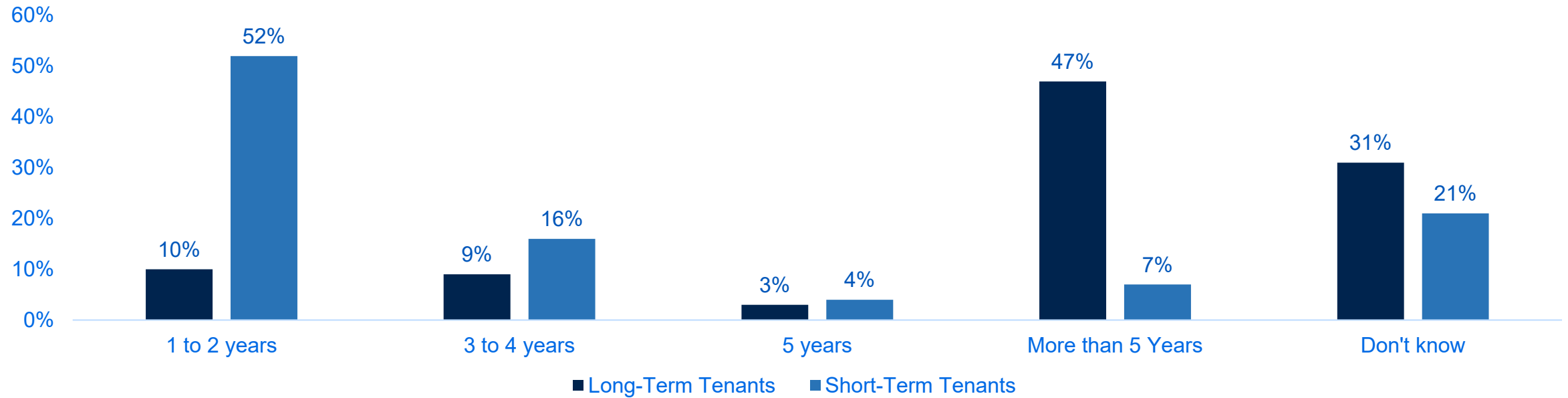
- Overall 16% of households reported a resident had a chronic illness or disability (13% in 2009)
 - Long-term tenants: 24%
 - Short-term tenants: 14%
- Median income: \$34,500
 - 2008: \$28,800 (in 2022 dollars)
- 4% of households indicated a disability that limits walking or climbing stairs. Of these:
 - 11% indicated the presence of an automatic door opener at the ground level of their building
 - None reported having a wheelchair-accessible shower in their unit



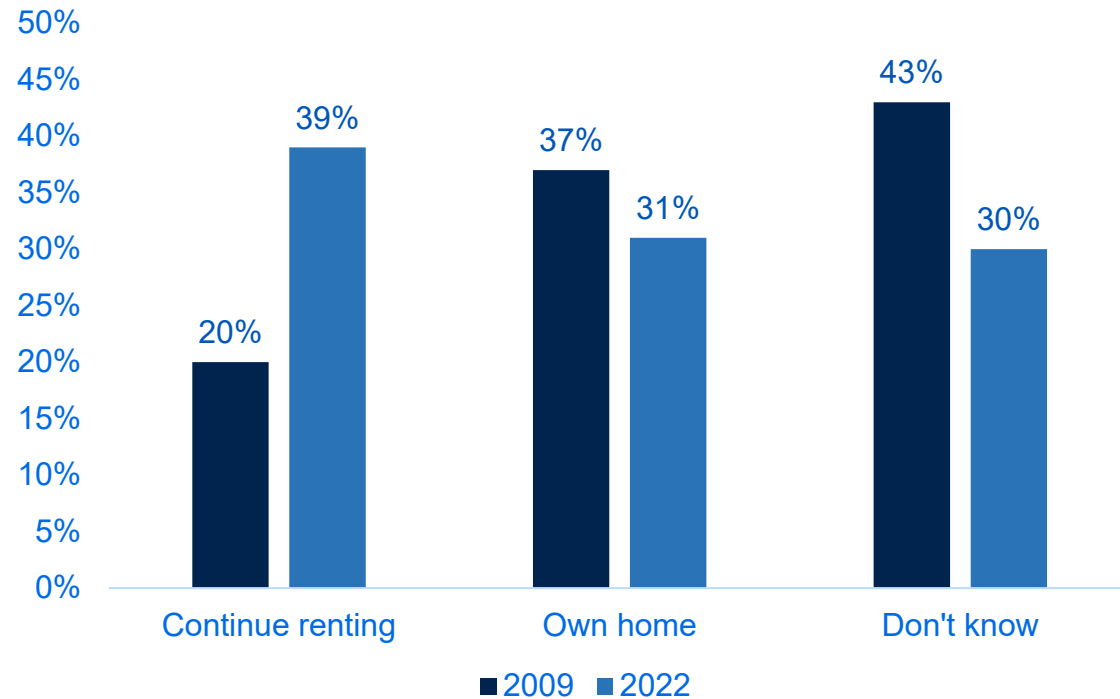
Expectations for the Future

Cal State Fullerton

Plans to Move in the Next Few Years

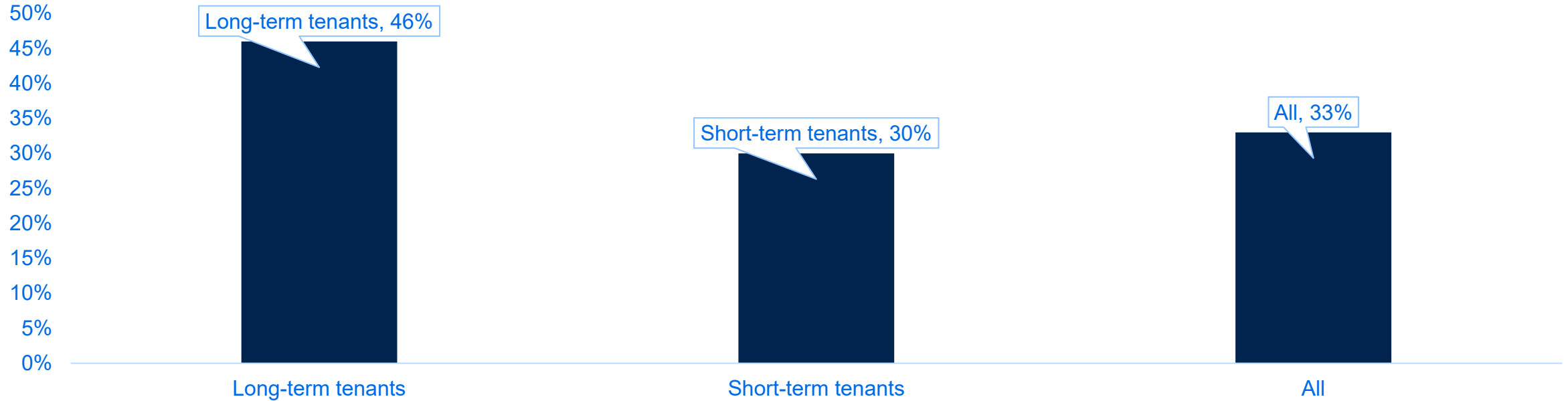


Plans for the Next Ten Years



- 35% of short-term tenants expected to own homes in the next ten years.
- 17% of long-term tenants expected to do so.

Joint Ownership of Building





Landlord-Tenant Relations & Rent Board Experience

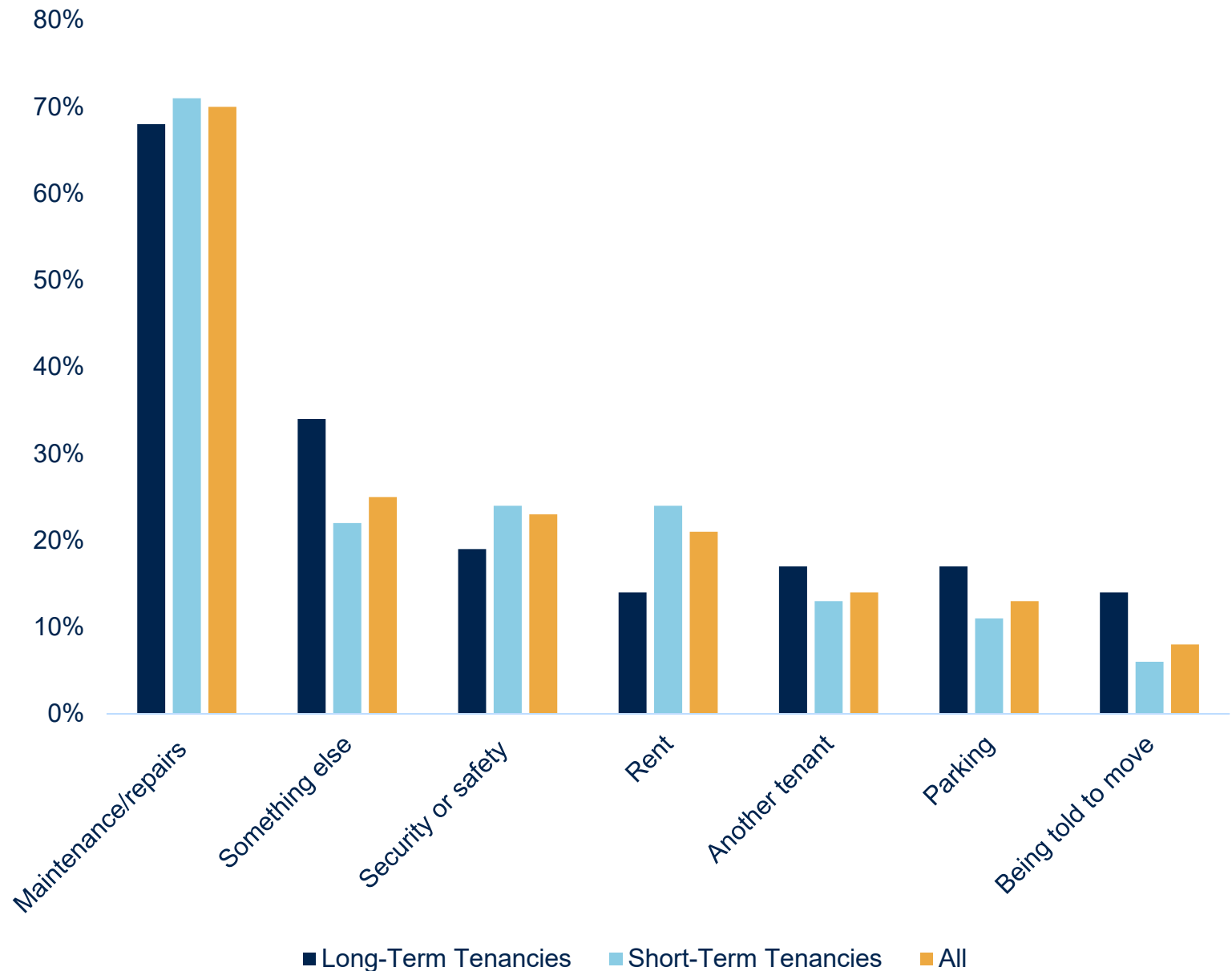
Cal State Fullerton

Landlord Responsiveness to Complaints

- 79% indicated they or someone in their household had complained to the landlord or manager in the past year.
 - Compared to 76% in 2009
 - Long and short-term tenants did not differ in their tendency to complain.
- Among those who filed complaints, the owner or manager:
 - Responded quickly: 69%
 - Long-term tenants: 60%
 - Short-term tenants: 71%
 - Responded after repeated complaints: 31%
 - Long-term tenants: 40%
 - Short-term tenants: 29%
- Response to complaint:
 - Fixed entirely: 47%
 - Partially fixed: 38%
 - Not fixed at all: 15%
- If the manager fixed the problem either entirely or partially, issue was fixed in:
 - Less than 30 days: 85%
 - Long-term tenants: 77%
 - Short-term tenants: 87%
 - More than 30 days: 15%
 - Long-term tenants: 23%
 - Short-term tenants: 13%

Sources of Conflict

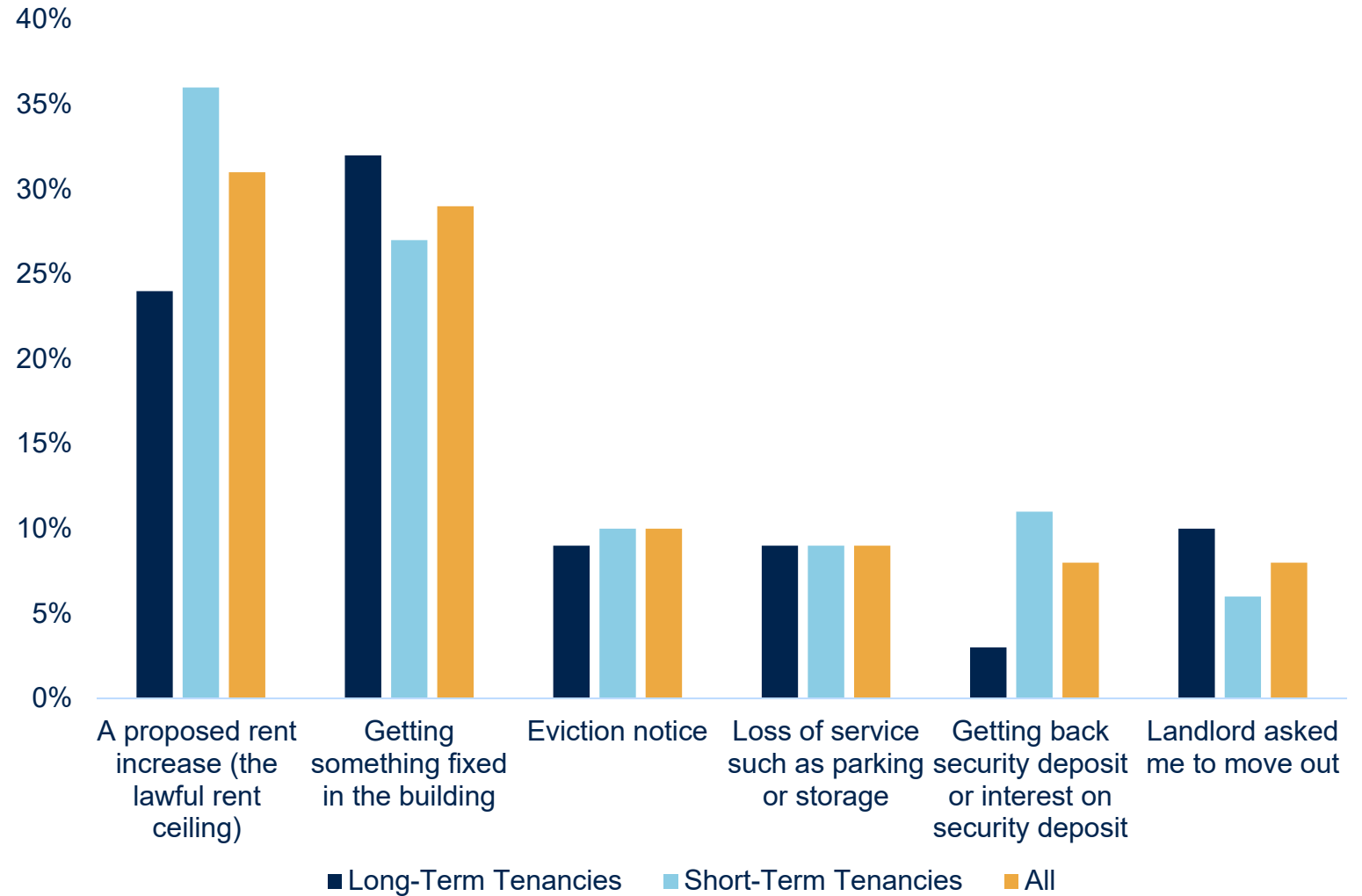
- Nearly three-quarters of the respondents (74%) have never had a disagreement with their current landlord or manager.
 - This is a sizable improvement from the 66% who reported the same in 2009.
- Never had a disagreement with their current landlord
 - Long-term tenants: 61%
 - Short-term tenants: 77%
- Rent was the source of the disagreement:
 - Long-term tenants: 14%
 - Short-term tenants: 24%



Communications with the Rent Board

- Reported receiving mailings from the Rent Board (other than the survey): 60%
 - Long-term tenants: 87%
 - Short-term tenants: 53%
 - Lower than 2009: 87%
- Participants or someone in their household had contacted the Board for free information or assistance: 25%
 - Long-term tenants: 54%
 - Short-term tenants: 17%
 - Similar to 2009: 28%
- Of those who reached out, participant found staff:
 - Very helpful: 60%
 - Somewhat helpful: 30%
 - Not helpful: 10%

Reasons for Contacting the Rent Board



Knowledge of Rent Control

- 57% knew their rent control status, while 43% did not.
- This reflects a decrease from 2009, when 73% knew about rent control status.
 - Long-term tenants: 93% knew about their rent control status.
 - Short-term-term tenants: 48% knew their rent control status.



Effects of COVID-19 and Climate Change Concerns

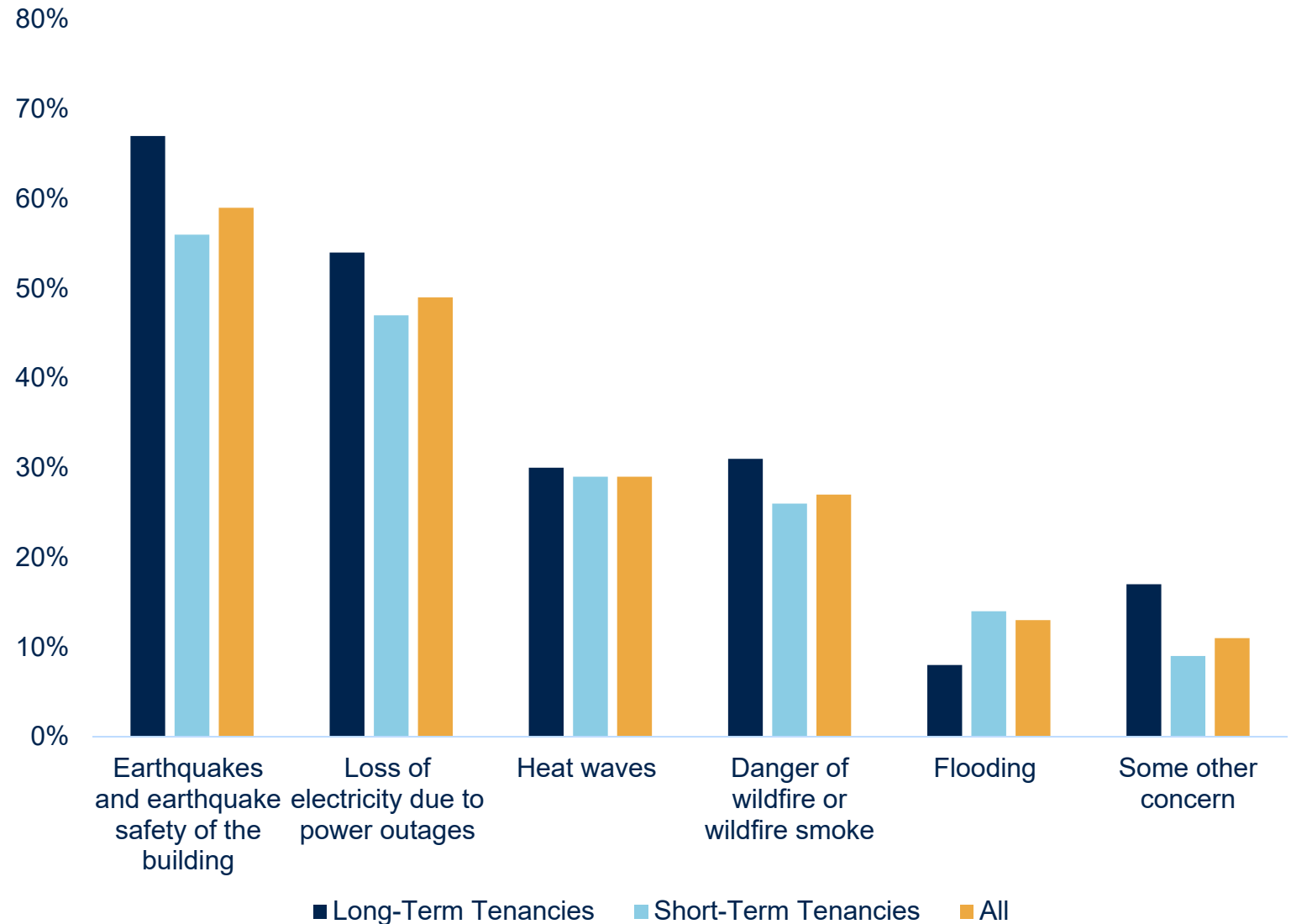
Cal State Fullerton

Effects of COVID-19 and Related Support Experienced by Tenants

- Nearly a third of respondents (27%) experienced a financial hardship due to the COVID-19 pandemic.
- The most common was the loss of a job or income
 - True among both short-term tenants (86%) and long-term tenants (88%).
 - Falling behind on rent was the only hardship out of those listed with a modest difference when comparing short-term (19%) and long-term (10%) tenants.
- Forty-three percent of respondents who experienced financial hardships had received some type of related support .
 - Rent relief or other financial assistance from the government or non-profit organizations was the most popular form of support
 - 40% of long-term tenants and 28% of short-term tenants

Natural Disaster and Climate Change Concerns

- The majority (81%) of tenants selected at least one concern.
- 24% selected two concerns, 16% selected three concerns, 10% selected four concerns, and 5% selected five or six concerns. Nearly one-fifth (19%) selected none.
- A greater proportion of short-term tenants reported having no climate change concerns (20%) compared to long-term tenants (13%).
- A larger proportion of long-term tenants selected more than three climate change concerns (36%) compared to short-term tenants (29%).



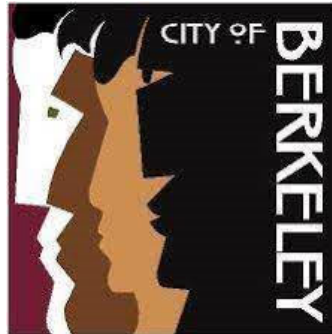
Tenant Involvement in Disaster Preparedness

- Participation in or knowing someone who participates in neighborhood disaster preparedness groups: 7%
 - Long-term Tenants: 15%
 - Short-term Tenants: 5%
 - These percentages were consistent with those observed in 2009
- Less than 1% of respondents in the survey sample lived in buildings on the City's list of soft-story buildings that had not yet undergone seismic safety work.
- None of these respondents reported participation in or knowing a participant in neighborhood disaster preparedness.

Questions & Answers?



Berkeley Rent Stabilization Board Survey of Tenants of Registered Rental Units: 2022 Report



Submitted To:

Moni T. Law, J.D.

Housing Counselor

Rent Stabilization Board

Nathan Dahl

Public Information Unit Manager

Rent Stabilization Board

Submitted By:

Laura Gil-Trejo, M.P.H., M.A.

Center Director

Rachel Peterson, M.S.

Project Manager

Frederick Rose, M.P.H.

Research Operations Coordinator

Eduardo Castillo, M.P.P.

Assistant Research Associate

Contents

Summary	1
I. Acknowledgements.....	4
II. Purpose and Method	4
a. Purpose of the Survey.....	4
b. How the Survey Was Conducted	5
i. Phase I.....	5
ii. Phase II.....	6
c. Response Rate.....	7
d. Survey Accuracy	9
e. Comparisons with Previous Surveys	10
f. Tests of Statistical Significance	10
g. Staff.....	11
III. Building Characteristics.....	11
IV. Demographics	14
a. Student Status.....	14
b. Age	16
c. Household Size and Type	18
d. Employment.....	20
e. Disability.....	20
f. Race.....	21
g. Income	22
h. Year Moved In and Turnover Rate	24
V. Rents and Rent Burden	25
a. Contract Rent Levels	25
b. Rent and Legal Rent Ceiling	26
c. Rent Burden	27
VI. Building Conditions	28
a. Unit Conditions	28
b. Building Conditions	28
c. Building Problems	29
d. Preventive Safety Inspections.....	31
e. Smoke & Carbon Monoxide Detectors	32

f.	Recycling	33
VII.	Tenant Knowledge and Tenant-Landlord Relations.....	35
a.	Finding the Unit.....	35
b.	Expectations for the Future	35
c.	Knowledge of Rent Stabilization	37
d.	Landlord Buyout Offers.....	39
e.	Landlord Responsiveness to Complaints	39
f.	Sources of Conflict	40
g.	Tenant Resources.....	40
h.	Tenant Involvement in Neighborhood Preparedness.....	43
i.	Effects of COVID-19 and Related Support Experienced by Tenants	43
j.	Climate Change Concerns	45
	Appendix A: Survey Results.....	46
	Appendix B: Additional Cross-tabulations of Survey Responses	72
	Appendix C: Select Open-Ended Responses	77
	Appendix D: Survey Instrument	88
	Appendix E: Considerations for Future Survey Administrations.....	118

Survey of Tenants of Registered Rental Units: October 2022 – April 2023

Summary

Berkeley tenants living in units subject to rent stabilization were surveyed online and by mail from October 2022 to April 2023. Where the survey results could be compared with other data sources, such as Rent Board registration records, they were well within the expected margin of error. The survey results apply to the 19,300 rent stabilized units registered at the time of the survey. It is estimated that rent stabilized units make up 73% of rental units in the City of Berkeley. Postal returns from the survey mailings indicate a 2% vacancy rate in April 2023.

The survey results, and the comparison of these results with the previous mail survey conducted in 2009, can help answer several important questions:

- What are the characteristics of long-term tenants who have lived in their units since 2012 or longer?
- What is the condition of Berkeley's rental housing stock and the state of landlord-tenant relations?
- Do tenants know about the Rent Stabilization Program and how do they feel about its services?
- How were tenants affected by the COVID-19 pandemic and what resources did they receive?
- How concerned are tenants with potential climate change-induced impacts on their current living situation?

Berkeley's tenant population can be divided into two or three groups for purposes of analysis.

- Long-term tenants are those who have been in their units longer than 10 years. They made up 20% of respondents and included very few students.
- Short-term tenants are those who have been in their units for less than 10 years. They made up 80% of respondents. This group can be further divided into "student" and "non-student" households.
 - "Student" households are defined as those entirely composed of adult full-time students. They made up 29% of responding short-term households.
 - "Non-student" households are entirely or partially made up of people who are not full-time students. They made up the remaining 71% of short-term households.

The 2022 median monthly contract rent was \$2,083. It was substantially lower for long-term households, with a median of \$1,200. This was 45% lower than the median contract rent of \$2,200 for more recent non-student households. The median rent was highest for student households at \$2,500.

Long-term tenant households were quite different from more recent households. Nearly two-thirds (62%) of long-term tenant households were low-income, with a median income of \$64,500, and 45% were very low-income. Their median age was 60. Nearly two-thirds (60%) lived alone and 26% were couples. Compared with more recent non-student households, they included a higher proportion of tenants who were extremely low-income (27%), disabled (24%), 65 years old or older (31%), retired (26%), and White (58%). Their median rent burden was 28% of income, slightly higher than reported in the 2009 survey (25%). More than two-fifths (44%) of long-term tenants were rent burdened, spending more than 30% of their income on rent and utilities, and 23% were severely rent burdened, paying over 50% of their income for rent and utilities.

Non-student short-term households had higher rent burdens, somewhat more people per unit, and somewhat higher incomes compared with non-student short-term households in the 2009 survey. Nearly half (48%) were low-income and 25% were very low-income, with a median income of \$84,500. Their median age was 30. In comparison to long-term tenants, non-student short-term households consisted of more couples (37%) and single parents (5%). Non-student short-term households were also much more likely to be Asian (34%) compared to long-term tenants (16%). Their median rent burden was 41% of income, increased from 32% of all non-student households in 2009. More than half (55%) of non-student short-term residents were considered rent burdened since they spent more than 30% of their income on rent and utilities. Additionally, more than one-quarter (29%) were severely rent burdened, paying over 50% of their income on rent and utilities.

The proportion of rent-stabilized units occupied by students was 24%, somewhat less than the 29% reported in the 2009 survey. Students made up approximately 35% of the total adult population living in registered rental units, a 10% decrease compared to 2009 but similar to the 39% observed in 1999.

Building conditions presented a mixed picture. Nearly four-fifths (79%) of all respondents reported there was a physical problem in their building, a slight increase from 75% in 2009. The number of problems per building was also up from an average of 2.4 per building in 2009 to 3.2 in 2022. Problems with appliances, for example, were reported by 24% of tenants, up from 15% in 2009. Reports of physical problems in the building were substantially reduced in the 44% of buildings where the tenant stated the owner or manager had conducted an inspection during the past year, with an average of 2.7 problems per building for those with inspections compared to an average of 4.1 problems for those without. Nearly four-fifths (79%) of tenants stated they have complained to their landlord or building manager about at least one problem in their building during the last year, and 85% of the tenants who complained reported at least one complaint was resolved within 30 days.

About a quarter (26%) of tenants reported they had a conflict with their current landlord or property manager at some time during their tenancy, with maintenance and repairs cited as the most frequent cause. This is down from 33% who reported a conflict in 2009, though the main cause of conflict remained the same between the 2022 and 2009 surveys. Very few tenants (14%) reported receiving a safety inspection checklist from the landlord or manager as required under the Rental Housing Safety Program; however, a tenant's willingness to have their landlord or building manager enter their unit to conduct a safety inspection was likely suppressed because of COVID-19.

A large majority of long-term tenants recalled receiving mailings from the Rent Board (83%) and were aware their unit was subject to rent control (93%). Among more recent tenants, however, 43% recalled receiving mailings, and only 48% were aware their unit was subject to rent control. More than half (52%) of long-term tenants had contacted the Rent Board at some time for information or assistance, while

only 15% of short-term tenants had done so, most often about a proposed rent increase (36%) or something else not listed in the survey (42%). Over half (59%) of those who contacted the Rent Board described the staff as very helpful. Fifteen percent of long-term tenants said their landlord had tried to get them to move out, compared to 2% percent of more recent tenants. Of those who had been asked to move out by their landlord, a large proportion (87%) reported they had contacted the Rent Board for assistance.

More than half (60%) of tenants reported adequate recycling containers in their building, with 38% reporting that, while containers were present, they were not big enough. Two percent were unaware of containers in their building.

Connection with neighborhood disaster preparedness groups was low, with only 8% reporting they were involved or know someone involved. However, long-term tenants were more likely to report this, with 15% having contact with disaster preparedness and 6% with crime watch, compared to 5% and 2% among short-term tenants.

Eighty-one percent of all tenants chose at least one climate change concern that may impact their housing or the habitability of their unit. Both long-term (67%) and short-term (56%) tenants were primarily concerned with earthquakes and the earthquake safety of their buildings. Loss of electricity due to power outages (49%), heat waves (29%), wildfire or wildfire smoke (27%), and flooding (13%) were also indicated as concerns from both long-term and short-term tenancies, although to a lesser extent than earthquakes.

Over a quarter (27%) of respondents indicated their household experienced financial hardships as a result of the COVID-19 pandemic. Both long-term (88%) and short-term (86%) tenancies overwhelmingly indicated a loss of a job or income due to COVID-19. Although not to the same extent, falling behind on rent (17%), reduction of total number of housemates (8%), and eviction (3%) were also indicated as impacts related to COVID. Rent relief or other financial assistance from the government was the most common (31%) form of COVID-19 relief. Long-term tenants (41%) were more likely to indicate they received relief than short-term tenants (28%).

I. Acknowledgements

We extend our deepest gratitude and appreciation to all those who contributed to the completion of this endeavor. Without their support, guidance, and dedication, this project would not have been possible.

Our heartfelt thanks go to:

Moni Law and Nathan Dahl at the Berkeley Rent Board: Your guidance and expertise provided invaluable direction throughout this journey. Your insights and encouragement were instrumental in shaping our approach and refining our ideas.

Dr. Steve Barton: Your insightful feedback added depth and clarity to the project. Your willingness to share your knowledge and work together as a team was inspiring.

Be Tran and Aimee Mueller at the Berkeley Rent Board: Your technical and logistical support were vital to the implementation of this project.

Paola Laverde, former Commissioner & Chair of the Outreach Committee, for your involvement in the formation of the Tenant Survey and your persistence in advancing this project onward.

The Commissioners of the Outreach Committee who have served over the last five years for your valuable input and insights on both survey administration and report production processes.

SSRC interns: Your assistance in the data analysis and production of this report was greatly appreciated.

Survey respondents: This whole effort would not have been possible without you. Thank you for taking the time to complete our survey and contributing to this important work.

II. Purpose and Method

a. Purpose of the Survey

This is the fifth survey of tenants carried out by the Rent Stabilization Board. Previous surveys were conducted in 1984, 1988, 1998 (just before vacancy decontrol), and 2009. The Rent Program surveys generate accurate and representative statistics that provide valuable information for elected officials, staff, and the public. The study collects essential data on the characteristics of tenants served by the Rent Stabilization Program, how they perceive the quality of the buildings they live in, their relations with property owners and managers, and their experience with the Rent Board and other housing-related agencies. Careful analyses of survey data also address rent control's contribution to assisting low-income non-student households. Additionally, the 2022 survey included items regarding the financial impacts of COVID-19, climate change, and natural disasters.

b. How the Survey Was Conducted

i. Phase I

In October 2022, the Social Science Research Center (SSRC) sent a mail survey addressed to "Berkeley Tenant" to 2,600 Berkeley rental units. The survey went to 1,040 "long-term" tenants, defined as those with tenancies of 10 years or longer, and 1,560 "short-term" tenants, defined as those with tenancies less than 10 years in duration. The 2,600 addresses sampled were randomly selected from a list containing 19,300 tenant addresses, of which 4,884 were long-term tenancies, and 14,416 were short-term tenancies.

Table 1: October 2022 Tenant Survey: Phase I

	Universe	Sample	Probability of being selected
Total Units	19,300	2,600	
Long-Term Tenancy	4,884	1,040	One-in-five
Short-Term Tenancy	14,416	1,560	One-in-nine

The sampling universe includes almost all housing units currently rented or available for rent in properties with two or more units that were built prior to 1980. These units make up about 73% of Berkeley's rental housing stock. Units built after 1980 and most single-family and condominium units are permanently exempt from fully rent-controlled registration. However, they are now required to register under a voter initiative in 2020, Measure MM, which requires "partially covered units" to register with the Rent Board (eviction protections apply but not rent control).

Units that are owner-occupied or vacant but not available for rent at any time during the fiscal year are exempt until they are rented again. About 270 rental units in owner-occupied duplexes that were in use on December 31, 1979, are also fully exempt, often nicknamed "Golden Duplexes."

The survey went to two sampling groups. A one-in-nine sample of 1,560 addresses was drawn from 14,416 units where the Rent Board records showed a tenancy that began within the past 10 years. The units in this sample frame are referred to as "short-term" tenants throughout this report. An oversample of one-in-five, or 1,040, addresses was drawn from a universe of 4,884 units where a tenancy began ten years ago or earlier. The units in this sample frame are referred to as "long-term" tenants. The oversample of long-term tenants reflects a decision to focus additional attention on the units receiving the largest discounts from market rents and the characteristics of the tenants who occupy them.

This survey, like those in 1988, 1998, and 2009, adopted the "Total Design Method" developed by Don A. Dillman,¹ with some slight variation. Four separate mailings went to all survey units: an October 15

¹ Hoddinott SN, Bass MJ. The Dillman total design survey method. *Can Fam Physician*. 1986 Nov; 32:2366-8. PMID: 21267217; PMCID: PMC2328022.

pre-notification postcard including a QR code and an online link for those willing to complete the survey online, an October 21 letter containing the survey, and a November 2 postcard reminder, also containing the QR code and survey link. Three weeks later, in late November, a final letter with a replacement copy of the survey was sent to all addresses that had not already returned a completed survey. In December, the SSRC worked with a commercial vendor, Scientific Telephone Samples, to append telephone numbers to those addresses for which this information was available. Telephone numbers were available for 941 records. On December 12, the SSRC began making phone calls to these households in an attempt to either complete the survey over the phone or remind the resident to complete the survey online or by mail. Since mail surveys typically receive a higher rate of responses from more educated and high-income households, an effort was made to increase responses from low-income households by offering a \$5 gift card to Amazon or Peet's Coffee for each household that completed a survey.

Survey respondents were promised confidentiality. When addresses were selected from the Rent Board database to be included in the survey, additional data on the unit was brought over from the Rent Board database: the number of bedrooms, the number of units on the property, the market area, and legal rent ceiling rounded to the nearest \$10. This helped check the generalizability of the survey sample but was not specific enough to identify a particular unit. After the gift cards were sent, the individual addresses were removed from the database.

ii. Phase II

Early in the data collection process, it became clear that the project would struggle to meet the target number of completed surveys ($N = 766$). As of February 20, 2023, four months after the project began, 320 surveys had been completed, less than half of the target sample size and less than the sample size needed to create a reliable estimate of the population of tenants residing in the City of Berkeley. There are several reasons why this may have occurred. First, the 2009 survey was conducted in the spring, while the 2022 survey was conducted during the fall, close to the holidays, when response rates are typically lower. Second, the 2022 mid-term elections may have made it more difficult for the project's mailer to get noticed among the flood of campaign material distributed during this time. Third, while a \$5 incentive was effective in 2009, it was likely less so in 2022,² resulting in a less-than-desired response. Finally, it is possible recruitment material in the form of postcards, rather than letters (which were used in 2009), may be less effective at getting potential respondents' attention.

To obtain the number of remaining surveys needed for the current study, a second phase of data collection consisting of a two-pronged approach was taken in February of 2023. First, a letter was mailed to the original members of the sample frame who had not yet completed a survey. This included the original 2,600 households, minus the 320 who had submitted a survey, and the residences for whom the United States Post Office returned at least one of the four original mailings. A letter was chosen instead of a postcard because it was hypothesized that potential respondents might overlook the postcard as marketing material. This resulted in an additional 143 surveys for a total of 463 surveys.

² The SSRC received multiple calls from respondents indicating that the \$5 incentive was too low for them to complete the survey.

Second, another random sample of 3,800 addresses was selected from the list containing the remaining 16,700 tenant addresses.³ These addresses represented 2,280 short-term tenancies and 1,520 long-term tenancies. One invitation letter was sent to these addresses between February 17 and February 20. The letter sent to these households contained a QR code and a link to the survey. These households did not receive a mailed survey, which likely resulted in Phase II of survey administration being biased toward residents with internet access. Four hundred and seventy-one survey completions resulted from this effort, for a total of 934 surveys overall.

Table 2: October 2022 Tenant Survey: Second Random Sample

	Universe	Sample	Probability of being selected
Total Units	16,700	3,800	
Long-Term Tenancy	3,844	1,520	Two-in-five
Short-Term Tenancy	12,856	2,280	One-in-six

c. Response Rate

A total of 934 surveys were completed, 463 from the first sampled list of 2,600 and 471 from the second sampled list of 3,800. Of the 463 returned surveys originating from the original sampled list, 230 were from the one-in-five sample, and 233 were from the one-in-nine sample. The United States Post Office returned at least one of the five mailings from 100 addresses. Of the 100 addresses with returns, 56 were returned with labels indicating that they were vacant or likely vacant, including “vacant,” “unclaimed,” “unable to forward,” and “box full.” The other 43 not counted as vacant were considered undeliverable because of incorrect addresses in the Rent Board database or postal error, with labels such as “no such number.” One of the mailers was returned with the word “moved” appearing on it. These 100 units were removed from the base sample in computing the response rate.

Of the 471 returned surveys originating from the second sampled list, 176 were from the two-in-five sample, and 295 were from the one-in-five sample. The United States Post Office returned the mailings from 59 addresses. Of the 59 addresses with returns, 47 were returned with labels indicating that they were vacant or likely vacant, including “vacant,” “unclaimed,” “unable to forward,” and “box full.” The other 12 were not counted as vacant and instead were considered undeliverable, either because of incorrect addresses in the Rent Board database or postal error, with labels such as “no such number.” These 59 units were removed from the base sample in computing the response rate.

³ This value represents the original 19,300 in the sampling universe, minus the initial $n = 2,600$ households that were sampled in Phase I.

Table 3: 2022 Survey Response Rate				
Phase I				
	Sent	PO Return	Completed	Response Rate ⁴
1/5 sample of Long-Term Tenancy:	1,040	35	230	22.1%
1/9 sample of Short-Term Tenancy:	1,560	65	233	15.0%
Total	2,600	100	463	17.8%
Weighted average	NA	NA	NA	16.8%
Phase II				
	Sent	PO Return	Completed	Response Rate
2/5 sample of Long-Term Tenancy:	1,520	25	176	11.6%
1/6 sample of Short-Term Tenancy:	2,280	34	295	12.9%
Total	3,800	59	471	12.3%
Weighted average	NA	NA	NA	11.5%

Postal returns from the survey can be used to estimate the vacancy rate for October 2022, which comes out to 2%. This is during a period with relatively less turnover, the month before final examinations at the end of the school year.⁵

Once the data was entered, one participant who indicated not paying rent was deleted from the data file, as were 36 records where the respondent reported receiving monthly rental assistance. This left 386 usable responses in the long-term tenant sample and 511 responses in the short-term tenant sample.

We then separated the long-term tenant sample into two groups, 304 responses from tenants who reported moving in before 2013 and 82 responses from tenants who reported moving in during or after 2013. This means that 21% of the units that the Rent Board records showed as being long-term tenancies had actually moved in within the last 10 years. It is likely that the landlords did not update the rent board when previous tenants vacated these units and new tenants moved in; thus, these respondents were reclassified as short-term tenants, leaving a total of 593 short-term tenants (66%) and 304 (34%) long-term tenants in the sample. This finding suggests the true population of tenants in the original sampled list was 3,858 long-term and 15,442 short-term. This updated estimate is used throughout this report.

⁴ Response rate is (surveys completed/(surveys sent - postal returns)).

⁵ The postal returns from the second sampled list of 3,800 were not used to calculate the vacancy rate as they only received one mailer, and it was thought that the rate of returned mail was an undercount.

There was also a very small number of responses within the short-term tenant sample ($n = 22$; 4.3%) who reported moving into the unit prior to 2013. These responses were kept in the 2013-2022 tenancies group because Rent Board records indicated that the unit had recorded a new rent after a vacancy. There are various scenarios under which a tenant might report having lived in a unit prior to 2013, and yet the unit would have received a vacancy increase. These include situations where a tenant sublet prior to 2013 without the landlord's knowledge, where an original pre-2013 tenant moved out, leaving behind a tenant who began sharing the rental prior to 2013, and where a tenant moved out and back into the same unit. The purpose of the pre-2013 tenancies group is to look specifically at the characteristics and experiences of residents of units that have not had a vacancy increase for at least 10 years.

For purposes of generating citywide statistics applicable to all tenants in the two sample groups, the responses from each group must be given different weights so each response represents the proportional number of tenants within the estimated universe for both long-term and short-term tenants. The combined 304 responses within the total long-term tenants sample from both phases represent one response for every 13 households. Each of the 593 responses collected throughout the two phases from the total short-term tenants sample represents one response for every 26 households. Each response from the long-term sample represents 2.05 times as many households in comparison to the amount represented by each of the short-term responses. Due to the discrepancy in representation between long-term and short-term tenants, with long-term tenants being significantly oversampled, weighting was required. Specifically, each of the long-term responses was weighted as $1/2.05^{\text{th}}$ of the short-term responses. For more information on the weighting process, see Appendix A.

d. Survey Accuracy

The results of surveys this size will generally be accurate within + or – 5% at the 95% confidence level. This means, for example, that if 51% of all tenants report they found their housing through Craigslist or another website, the chances are 19 out of 20 that between 46% and 56% of all tenants in units subject to rent stabilization found their housing this way. This survey had 53 questions with additional follow-ups, so there are likely to be some sets of responses with a greater degree of inaccuracy.

The confidence interval assumes there are no sources of bias built into the survey procedure so the responses are truly a random sample of the universe of people being surveyed. In reality, all survey procedures generate some degree of bias in the response rate. Mail surveys generally obtain a lower response rate from people with lower levels of literacy and those with limited English. Online surveys tend to skew towards higher income and younger demographics.⁶ There is no way of knowing how much these biases may have affected the survey.

The recruitment materials contained introduction language describing the survey in Spanish and a number to request a Spanish copy of the survey, but only four people called. In addition, the online version of the survey was available in Spanish; however, only nine online surveys were completed in this language.

As part of the analysis, we will compare the survey results with the Rent Board's database on rents, the number of bedrooms in each unit, and the number of units in each property. We can also compare the

⁶ Keeter, S. & McGeeney, K. (2015, September 22). Coverage Error in Internet Surveys. Pew Research Center. <https://www.pewresearch.org/methods/2015/09/22/coverage-error-in-internet-surveys/>

results with data on Berkeley tenants from the U.S. Census Bureau's most recent 2016-2020 American Community Survey (ACS). However, there are comparability issues between the ACS and the Rent Board survey because the ACS includes all tenants, not just those in units subject to rent stabilization.

Broadly speaking, the survey results match up well with other data sources. The median rent reported by rent-stabilized tenants in the survey is \$2,083 while, according to the Rent Board records, the median rent is \$2,011, a difference of only 4%. Comparing the distribution of units by building size reveals the survey sample slightly overrepresents buildings with fewer units and underrepresents those with larger units compared to the Rent Board records (see the section on building characteristics). Additionally, compared to Rent Board records, the survey sample also underrepresents units that are studios or rooms. The median tenant household income reported in the survey is \$64,500, while the 2017-2021 American Community Survey reports \$60,670, a difference of 6%. The proportion of survey responses from tenants residing in Berkeley's different market areas matches fairly well compared to the proportion seen in the Rent Board's records.

e. Comparisons with Previous Surveys

The 2022 survey followed a process similar to the one in two previous mail surveys conducted for the Rent Board by Bay Area Economics in 2009 and 1998. While the 2022 survey used a somewhat different set of questions and updated a few response categories, it left many questions unchanged in order to facilitate comparisons.

Comparisons with previous results should be meaningful since any bias resulting from the use of the mail survey technique should be similar in all three surveys; however, some caution is warranted due to the differences between the 2022 and 2009 survey administrations. First, to address decreasing response rates, an online component was added to the 2022 survey administration. This administration mode was popular, with most survey respondents ($n = 810$; 90.3%) completing the survey online. However, the introduction of this data collection modality introduces the possibility that some differences observed between 2009 and 2022 may be due to this change instead of real differences in the two populations. Secondly, the time of year the data was collected differed between the 2009 and the 2022 survey administrations, with the former occurring in the spring and the latter occurring in the late fall. To the extent that seasonality impacts responses to the questions contained in the survey, comparisons with the 2009 survey should be made with caution.

f. Tests of Statistical Significance

Throughout this report, tests of statistical significance are used to explore differences in survey items between short- and long-term tenants and student and non-student households. The primary question addressed by these tests is: Is there a relationship between tenancy length/household type and a particular survey item and to what degree is this relationship due to random error or chance? Tests for statistical significance tell us the probability that the relationship we observe is due to random chance. By using probability theory and the normal curve, we can estimate the probability of being wrong if we assume our finding to be true. If the probability of being wrong is small, we say that our observation of the relationship is statistically significant.

There are limitations to the use of testing for statistical significance of which the reader should be aware. First, tests of statistical significance are sensitive to sample sizes. On one hand, very small samples may be unable to detect significant differences between two groups, even if they do exist.

Conversely, with a large enough sample size, even miniscule differences between two groups could yield a statistically significant result. For this reason, one should consider not just the statistical significance of a finding, but its practical significance as well. Second, when many tests of statistical significance are run, the probability of finding at least one that meets the criterion for reaching significance increases in proportion to the number of tests run. Traditionally, a “*p*” value of less than .05 is used as a criterion for establishing statistical significance. However, because there are more than 50 variables in the current survey, we adjusted the criterion to a *p* of (.05/50) less than .001. Finally, statistically significant findings do not infer causation.

g. Staff

The survey and data analysis have been carried out by Rachel Peterson, Frederick Rose, and Eduardo Castillo, under the direction of Ms. Laura Gil-Trejo. Be Tran generated the sample to be surveyed from Rent Board registration records. Lizette Sanchez oversaw the administration of the mail survey and produced the marginals and cross-tabulations in Appendix 1. Eduardo Castillo supervised the data entry.

III. Building Characteristics

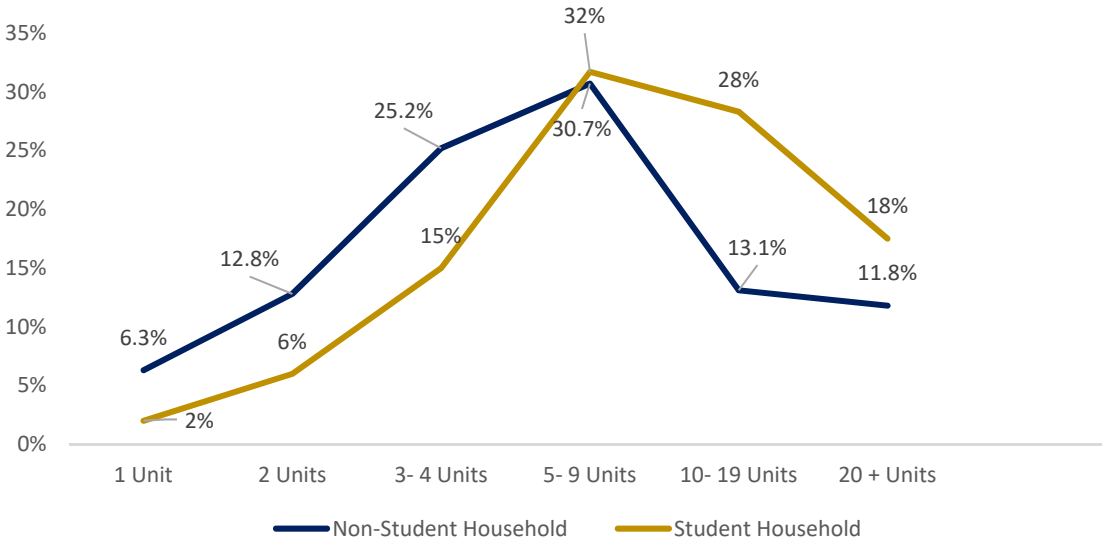
Responses on building size match up very well with the 2009 tenant survey, but less well with the Rent Board's records. A comparison of survey responses on building size to the Rent Board’s records suggests the 2022 survey sample underrepresents larger units and overrepresents smaller ones. The larger percentage of responses from one- and two-unit buildings almost certainly reflects the many Berkeley properties where multiple cottages and smaller buildings are on one lot. Additionally, respondents reported the units per building instead of the units per property due to the phrasing of the question, resulting in a difference between units on the property as noted by the Rent Board records and units in the building in the 2022 survey.⁷

Table 4: Units by Building Size			
	2022 Rent Board Records	2022 Survey	2009 Survey
(by property rather than building)			
1 unit	<1%	5%	4%
2 units	7%	12%	13%
3 – 4 units	18%	23%	19%
5 – 9 units	24%	29%	22%
10 – 19 units	22%	17%	20%
20 – 49 units	23%	12%	18%
50+ units	5%	2%	5%

⁷ Personal communication Dr. Steve Barton.

Among short-term tenancies, a larger proportion of student households (28%) resided in buildings with 10-19 units than non-student households (13%), a difference that was statistically significant.⁸ Building size was unrelated to tenancy length.

Figure 1. Building Size by Student Status (Short-Term Households)



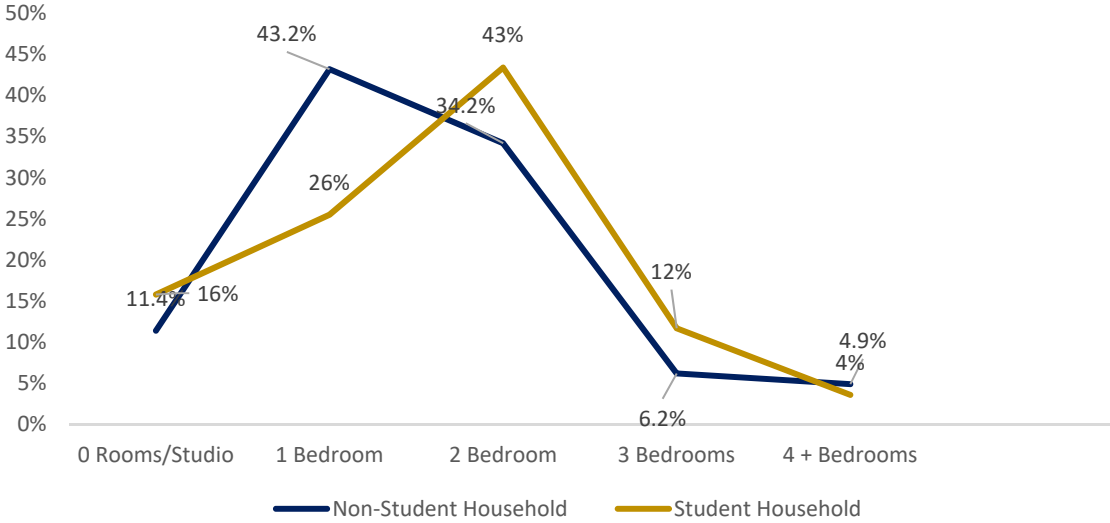
Looking at units by the number of bedrooms, it is noted that responses to the 2022 survey match well with the 2009 tenant survey. However, comparing survey responses to the Rent Board’s records reveals that the survey sample underrepresents studios or rooms.

⁸ $\chi^2(1, N = 519) = 15.17, p < .001$

Table 5: Units by Number of Bedrooms			
	2022 Rent Board Records	2022 Survey	2009 Survey
Studio or Room	21%	13%	19%
1 Bedroom	41%	39%	43%
2 Bedrooms	31%	36%	30%
3 Bedrooms	5%	7%	5%
4 Bedrooms+	2%	4%	2%
Totals	100%	100%	100%

Among short-term tenancies, a larger proportion of non-student households resided in one-bedroom units (43%) than did student households (26%).⁹ Conversely, a larger proportion of student households resided in two- and three-bedroom units (43% and 12%, respectively), than non-student households (34.2% and 6%, respectively). Unit size was unrelated to tenancy length.

Figure 2. Unit Size by Student Status (Short-Term Households)



The response rate by geographic location roughly matched the Rent Board’s data on the proportion of units within each market area.

⁹ $t(661) = 18.37, p < .001$.

Table 6: Units by Market Area		
Area	2022 Rent Board Records	2022 Survey
Hills (1)	8%	10%
Central Berkeley (2)	19%	24%
University-Downtown (3)	50%	43%
West Berkeley (4)	5%	3%
South Berkeley (5)	19%	20%

Area 1 is census tracts 11, 12, 13, 14, 15, 16, 17, 38
 Area 2 is census tracts 18, 19, 22, 23, 30, 31
 Area 3 is census tracts 24, 25, 27, 28, 29, 36, 37
 Area 4 is census tracts 20, 21, 32
 Area 5 is census tracts 33, 34, 35, 39, 40
 All Berkeley census tracts begin with 42, so for example, most of downtown is in tract 4229

A higher proportion of non-student households were located in the Central Berkeley area (28%) than student households (11%).¹⁰ A larger proportion of non-student households also were located in the South Berkeley area (25%) than non-student households (9%).¹¹ On the other hand, a larger proportion of student households were located in the University Downtown area (71%) compared to non-student households (33%).¹²

IV. Demographics

a. Student Status

Adult students, mostly attending the University of California, are a major part of Berkeley's tenant population. Overall, in 24% of responding households, all of the residents were full-time students, and in another 14%, the household included full-time students and non-students, leaving 62% of tenant households with no full-time students. In 2009, 29% of households consisted of only full-time students, while 16% consisted of a mix of students and non-students, and 55% were non-student households. There are two possible explanations for this finding: the first is that the percentage of student-only households occupying stabilized rental units in the City of Berkeley has decreased slightly since 2009, with the addition of new student housing on campus and newer units built within walking distance of campus. The second explanation is that the timing of the survey administration (recall, Phase I of the

¹⁰ $t(657) = 22.33, p < .001.$
¹¹ $t(657) = 23.64, p < .001.$
¹² $t(657) = 82.22, p < .001.$

survey was ongoing throughout the holidays) resulted in a lower response rate among the student population. The lower response rate from larger buildings supports this explanation since the largest rent-stabilized buildings are located near campus and, therefore, are more likely to be occupied by students. This explanation is also supported by the lower response rate from studios or rooms.

When observing the proportion of tenants rather than households, 35% of the adult tenant population in the survey was composed of full-time students. Students were more likely to share housing and had the highest rate of people per household. The 35% student share of the adult tenant population was a decrease from 45% in 2009 but similar to the 39% observed in 1988. That the percentage of student tenants has decreased since 2009 suggests the size of the student population may be decreasing in the City of Berkeley. However, the alternative explanation is that students were underrepresented in the survey sample for this study.

Among long-term tenancies, only 1% were all-student households, and another 5% were mixed-student households and non-student households, with 94% having no full-time students. In total, 5% of the residents in these units are full-time students, and none attend the University of California, Berkeley (Figure 1).

Table 7: Estimated Households in Registered Units by Tenancy and Student Status, 2022				
	No Students	Mixed	All Student	Total
Long-Term Tenancy	3,554	189	38	3,781
Short-Term Tenancy	8,323	2,421	4,389	15,133
Total registered units	11,916	2,648	4,350	18,914
<i>Based on 19,300 units less 2% vacancy rate.</i>				

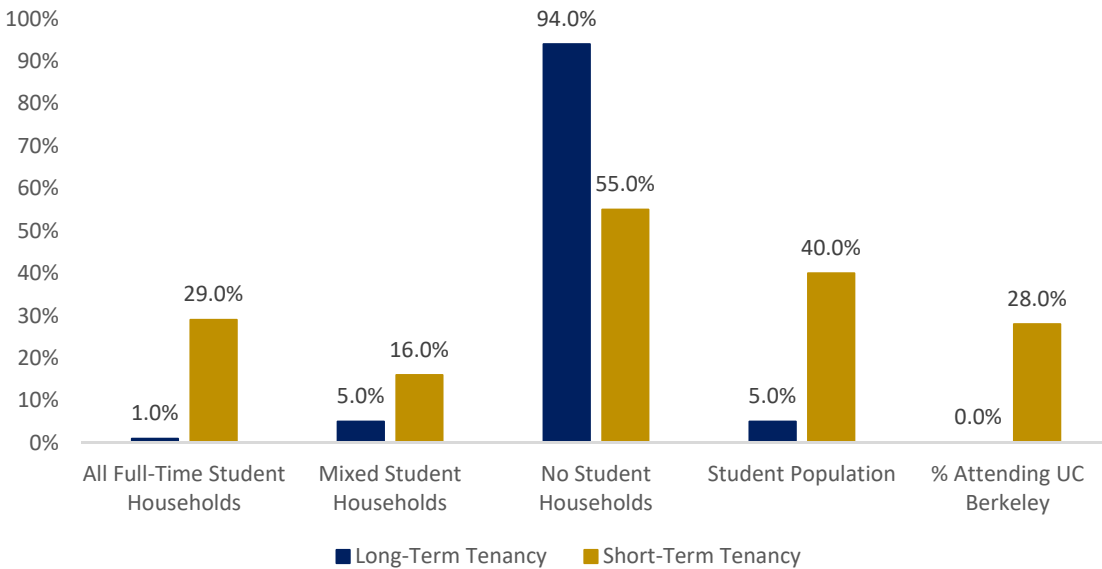
Among short-term tenancies, 29% were full-time student households and another 16% were mixed students and non-student households, significantly higher than what was observed among long-term tenancies.^{13, 14} The remaining 55% of short-term tenancies have no full-time students, a significantly lower proportion than that observed among long-term tenancies (94%).¹⁵ Looking at the total population among short-term tenancies, however, 40% were full-time students, and 28% attended the University of California at Berkeley (Figure 3).

¹³ $\chi^2(1, N = 824) = 56.98, p < .001$

¹⁴ $\chi^2(1, N = 825) = 13.01, p < .001$

¹⁵ $\chi^2(1, N = 825) = 82.30, p < .001$

Figure 3. Student Demographics by Household Type



To make sense of the survey data, particularly where income and rent burden are concerned, we will need to divide out the student households. Following the way past surveys were done, we will define student households as those entirely made up of full-time students and non-student households as all other households. An alternative way to define student and non-student households would be to define student households as those in which the majority of the residents (51% to 99%), rather than all residents, were full-time students, but less than 2% of tenant households fall into this 51% to 99% range, so the results would not be very different.

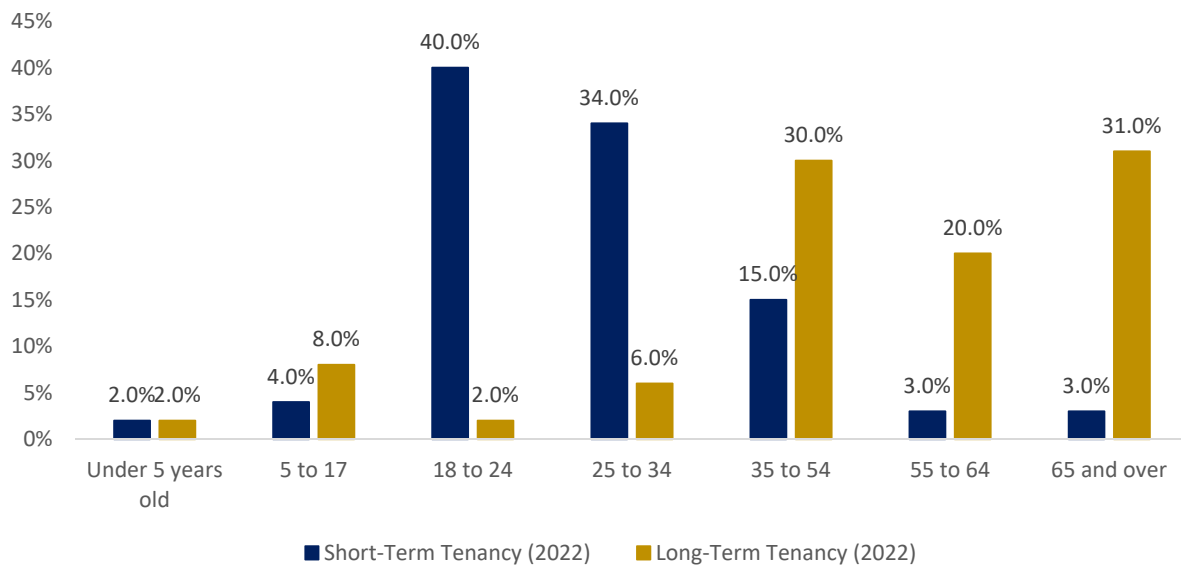
b. Age

The age profile of respondent households in 2022 was not significantly different from 2009. The median age of long-term tenants was 60, while the median age of short-term tenants was 30. People over 55 make up 51% of residents in long-term tenancies, including 31% who were over 65. Only 6% of residents in short-term tenancies were over 55. Among long-term tenancies, 2% of residents were between the ages of 18 and 24, 6% were 25 to 34, and 30% were 35 to 54 (Figure 4). Meanwhile, among the short-term tenancies, 40% of the residents were between the ages of 18 and 24, 34% were 25 to 34, and 15% were 35 to 54. Note that long-term tenants have a slightly larger proportion of children than short-term tenants (See Table 8 and Figure 4). This finding is consistent with what was observed in 2009 and may suggest rent stabilization plays a useful role in enabling these families to remain in Berkeley.

Table 8: Age Profile of Respondent Households, 2009 versus 2022

Age Categories	2009	2022	
		All	Short-Term Tenancy Long-Term Tenancy
Under five years old	2%	2%	2%
5 to 17	3%	4%	8%
18 to 24	32%	34%	2%
25 to 34	33%	30%	6%
35 to 54	18%	18%	30%
55 to 64	7%	5%	20%
65 and over	4%	7%	31%

Figure 4. Age Profile of Respondent Households by Tenancy Status



c. Household Size and Type

The average household size in 2022 was 2.05 people per household, up from 2009 and 1998 when it was 1.88 and 1.76 people per household, respectively. There was a significant difference between short-term and long-term households.¹⁶ Additionally, the average household size among student households was significantly larger compared to non-student households.¹⁷

Average Household Size

Long-term tenancy	1.55 people
Short-term tenancy	2.17 people
Non-student households	1.94 people
Student households	2.30 people

The average number of people per room in 2022 was 0.82, up from 0.72 in 2009. For long-term tenancies, the average was 0.71 while for short-term tenancies it was 0.85, a significant difference.¹⁸

The majority (78%) of respondents rent apartments, similar to what was observed in 2009. Only seven percent of tenants indicated renting a single-family house in 2009, while almost a fifth (17%) of 2022 participants stated they did so, a 10% increase.¹⁹ Two percent of tenants indicated they rented some other type of housing unit not listed in the survey, with 18 individuals specifying further. These responses included “dorms,” “converted garages,” “in-law units,” and “single-room occupancy housing.”

Table 9: Types of rental housing units by number		
	2022 Survey	2009 Survey
House	17%	7%
Apartment	78%	81%
Room ²⁰	3%	4%
Other	2%	8%

The most common household types were people living alone (40%), unrelated adults sharing a unit (25%), and couples without children (21%). Only 11% of households reported having children present. This profile was similar to what it was in 2009. A greater proportion of long-term tenants lived alone

¹⁶ $t(867) = 5.40, p < .001$.

¹⁷ $t(804) = -3.41, p < .001$.

¹⁸ $t(865) = 4.27, p < .001$.

¹⁹ Houses included duplexes and triplexes.

²⁰ In the 2009 survey, a room was specific to a boarding house or residential hotel. In the 2022 survey, a room was defined as a house with five or more rooms under separate leases.

(60%) than short-term tenants (35%), a difference that was statistically significant.²¹ Conversely, a larger proportion of short-term tenants (32.0%) lived with groups of unrelated adults than did long term-tenants (8.0%).²² Student households, defined for purposes of this analysis as households in which all members were full-time students, were almost entirely made up of single individuals (34%) or groups of unrelated adults (55%).

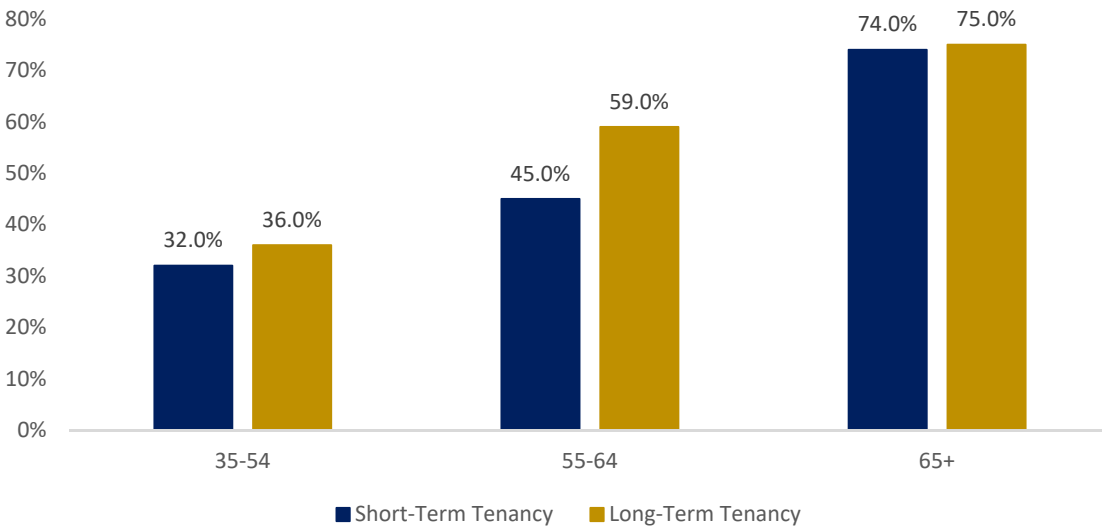
Household Type	Long-Term Tenancy	Short-Term Tenancy	
		Non-student	Student
Person living alone	60%	36%	34%
Couple without children	16%	30%	4%
Couple with children	10%	7%	1%
Single parent with children	4%	5%	1%
Related adults other than parents and children	2%	1%	3%
Unrelated adults, except couples	6%	20%	55%
Other	1%	1%	1%

The difference between household type in short-term and long-term tenancies is explained by the different ages of the two groups. Within the same age groups, similar proportions of short-term and long-term tenants live alone. This was most pronounced in the 35 to 54 and the 65 and over age groups (Figure 5).

²¹ $\chi^2(1, N = 890) = 35.97, p < .001$

²² $\chi^2(1, N = 890) = 41.49, p < .001$

Figure 5. Percent Living Alone by Age and Time of Tenancy, 2022



Both the 1998 and 2009 surveys found that the majority of tenants over 55 were people living alone, while the majority of young adult respondents between the ages of 18 and 24 lived in shared housing. In the 2022 survey, 58% of the people age 18 to 24 lived in households with "unrelated adults other than couples," down from 64% in 2009, and 29% lived alone, up from 12% in 2009. Among those aged 25 to 34, 24% live with unrelated adults, down from 29% in 2009. The number of units used for shared housing was 21% in 2009 and 25% in 2022, suggesting that the number of individuals sharing the same space has remained fairly consistent between the two surveys.

d. Employment

The employment status of respondents in 2022 looked similar to that of those surveyed in 2009. More specifically, 37% of the 2022 survey reported working full-time, similar to the 35% observed in 2009; 5% were unemployed and looking for work compared with 7% in 2009, also a similar result; 17% were working part-time, comparable to the 21% observed in 2009; and 5% were retired, compared to 3% in 2009.

The profiles vary for short-term and long-term tenancies and by student status. Among long-term tenants, 26% were retired, compared with only 2% of more recent tenants. Among long-term tenants, 41% were employed full-time compared to 36% of short-term tenants. However, only 6% of those residing in all-student households worked full-time.

e. Disability

Overall 16% of households reported a resident had a chronic illness or disability, a slight increase from the 13% observed in 2009. Four percent of households indicated a disability that limits walking or climbing stairs. The median income of these households in 2022 was \$34,500, an increase from a median income of \$21,000 observed in 2009.

Among long-term tenants, nearly one-quarter (24%) reported a person with a chronic illness or disability lived in the household. Of these, slightly over half (51%) were also over the age of 65, while 49% were under 65. Eight percent of all long-term tenants reported the disability substantially limited their ability to walk or climb stairs.

Among short-term tenants, 14% reported the presence of a person with a chronic illness or disability, a significantly lower proportion than what was observed among long-term tenants.²³ Of these, only 5% were also over the age of 65, while 95% were under 65. Three percent of short-term tenants reported a mobility limitation. Ten percent of all full-time student households reported the presence of a person with a disability, an increase from the less than 1% observed in 2009.

Six percent of tenants indicated their building had an automatic door opener at the ground level. Nearly equal proportions (6%) of short-term and long-term tenants noted their building had such an opener. Only 11% of individuals with a chronic disability or illness that limits their ability to walk or climb stairs indicated the presence of an automatic door opener at the ground level of their building. Eight tenants (1%) who completed the survey noted their unit had a wheelchair-accessible shower. Of the 33 individuals in the study sample who had a chronic disability or illness that limited their ability to walk or climb stairs, none reported having a wheelchair-accessible shower in their unit.

f. Race

There was a larger proportion of Asians in 2022 (31%) than in 2009 (24%). There was also a lower proportion of Whites (45% versus 54%). The results diverge somewhat from the 2017-2021 American Community Survey (ACS). More specifically, the results of the ASC show a lower proportion of Asians than the 2022 survey, more than half the proportion of African Americans, and a larger proportion of Whites. The ACS includes all tenants, not just those in rent-stabilized units, and this may account for the difference. The short-term tenancies include a higher proportion of Asians (34%) than the long-term tenancies (16%). Conversely, short-term tenancies contain a smaller proportion of Whites (42%) than long-term tenancies (58%). Short-term tenancies contain the same proportions of Hispanics (13%) as long-term tenancies. Similar proportions of Native American, African Americans, and those of some other race/ethnicity exist among short-term and long-term tenancies.

²³ $\chi^2(1, N = 890) = 11.03, p < .001$

	2022	Long-Term Tenants	2017-2021 ACS	2009	1998
Asian	31%	16%	22%	24%	26%
Black	5%	8%	9%	5%	6%
Hispanic	13%	13%	10%	10%	8%
White	45%	58%	51%	54%	53%
Native Americans	1%	2%	1%		
Other	4%	3%	7%	7%	8%

g. Income

The median income of \$64,500 reported for 2022 significantly differed from what was reported for 2009 (\$45,250 in 2022 dollars) and 1998 (\$46,550 in 2022 dollars). This figure includes student households, a group whose 2022 reported median income was \$24,500.

In 2022, the median income for all non-student households was \$74,500, while in 2009 the non-student median was \$60,200 in 2022 dollars. The median income for long-term tenants was \$64,500, and the median income for short-term non-student households was \$84,500.

Fourteen percent of the survey sample reported not knowing their annual household income. A larger proportion of student households indicated not knowing their annual household income (26%) compared to non-student households (11.1%).²⁴ Amongst all tenants, those who did not know their annual household income lived in units with a larger number of adults (*Mean* = 2.81 adults) than those who did know this information (*Mean* = 1.77 adults).²⁵

Over half (62%) of long-term non-student households in Berkeley were low-income by HUD standards, with 45% being very low-income, a level that often makes people eligible for rental assistance or subsidized housing.

²⁴ $\chi^2(1, N = 656) = 21.95, p < .001$

²⁵ $F(1,863) = 57.6, p < .001$

Table 12: HUD Income Categories for Alameda & Contra Costa Counties

FY 2022 Income Limit	Median Family Category	FY 2022 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Oakland- Fremont, CA HUD Metro FMR Area	\$142,800	Very Low (50%) Income Limit (\$)	50,000	57,150	64,300	71,400	77,150	82,550	88,550	94,250
		Extremely Low- Income Limit (\$)*	30,000	34,300	38,600	42,850	46,300	49,750	53,150	56,600
		Low (80%) Income Limit (\$)	74,200	84,800	95,400	106,000	114,500	123,000	131,450	139,950

*The FY 2014 Consolidated Appropriations Act changed the definition of extremely low-income to be the greater of 20/15ths (60 percent) of the Section 8 very low-income limit or the poverty guidelines as established by the Department of Health and Human Services (HHS), provided that this amount is not greater than the Section 8 50% very low-income limit. Consequently, the extremely low-income limits may equal the very low (50%) income limits.

Comparatively, 51% of short-term non-student households in Berkeley were low-income by HUD standards, with 29% being very low-income. Aside from the differences in the proportion of low-income households observed between short-term and long-term tenants, it is worth noting that 23% of short-term households were “above moderate” by HUD standards, while only 15% of long-term households could be classified this way.

2022 Survey		
HUD Categories	Long-Term Tenancy	Short-Term Tenancy
Extremely Low (up to 30% AMI)	27%	14%
Very Low (up to 50%)	45%	29%
Low (51 – 80% AMI)	62%	51%
Moderate (81 – 120% AMI)	38%	49%
Above Moderate (over 120% AMI)	15%	23%
HUD categories are based on Area Median Income (AMI) adjusted by household size. The Alameda County AMI increased by 20% from 2008 to 2022 after adjusting for inflation. Very Low-Income total includes Extremely Low Income.		

h. Year Moved In and Turnover Rate

Slightly more than one-quarter of respondents (27%) have been at their current address for less than 12 months, moving into their unit in 2022 or 2023. This was a decrease from the 38% observed in 2009. More than two-fifths of respondents (41%) moved into their residences within the last five years (2018-2022), similar to the proportion observed in 2009 (37%). There was an increase in the proportion of tenants who have remained in their units for more than 20 years. In 2009, eight percent of households remained in their unit for 20 years or more, while 12% reported the same in 2022. There was also an increase in the proportion who remain in their units for six to ten years, with 6% observed in 2009 and 11% noted in 2022. A potential explanation for this trend is that California has the largest deficit of housing inventory in the entire United States.²⁶ This could cause Berkeley residents to be unable to find housing that meets their needs when they want to move to other rentals or purchase a home.

Among short-term tenancies, a larger proportion of non-student households resided in their units between six and ten years (18%) compared to student households (< 1%).²⁷ Conversely, a smaller proportion of non-student households resided in their units for less than 12 months (26%) than student households (49%).²⁸ These differences were statistically significant.

The pattern for Berkeley tenants in rent-stabilized housing varied from the pattern for the United States as a whole. The proportion of tenants who had been at their residence for less than a year and more than 20 years was notably higher among Berkeley tenants in rent stabilized units compared to the United States as a whole. Meanwhile, the proportion of tenants who had been at their residence between six and ten years was notably lower compared to the country as a whole. However, these comparisons should be interpreted with caution due to the unique circumstances during the administration of the 2020 Census. The census was conducted while the COVID-19 pandemic and the resulting federal eviction moratorium for unpaid rent and federal and state monetary assistance were in effect.²⁹ These circumstances likely skewed the results of the 2020 Census to have a lower proportion of individuals who moved throughout the year, which may have temporarily decreased the percentage of tenants who lived in their residence for less than a year and increased the percentage who lived in their residence for longer durations.

²⁶ Up for Growth (2022). Housing Underproduction™ in the U.S. <https://upforgrowth.org/apply-the-vision/housing-underproduction/>

²⁷ $\chi^2(1, N = 655) = 37.86, p < .001$

²⁸ $\chi^2(1, N = 655) = 32.75, p < .001$

²⁹ United States Department of Housing and Urban Development (2020). HOME Investment Partnerships Program FAQs – COVID-19 & CARES Act. <https://www.hud.gov/sites/dfiles/CPD/documents/HOME-FAQs-COVID-19.pdf>

Table 14: Tenure

Time in residence	2022 Survey	2009 Survey	2020 Census	
	Berkeley	Berkeley	Berkeley	United States
11 months or less ³⁰	27%	38%	9%	9%
1 – 5 years ³¹	41%	37%	43%	48%
6 – 10 years ³²	11%	6%	26%	25%
11 – 20 years	10%	12%	12%	12%
More than 20 years	12%	8%	10%	6%

V. Rents and Rent Burden

a. Contract Rent Levels

The median monthly contract rent reported by survey respondents was \$2,083, a 4% difference from the Rent Board's reported median of \$2,005 for October 1, 2022. The 2009 survey reported a median rent of \$1,125, compared with a median of \$1,140 reported from the Rent Board's records, a 1% difference. The mean monthly contract rent reported by survey respondents was \$2,212 compared with the Rent Board's reported mean of \$2,198 for October 1, 2022, a less than 1% difference. The 2009 survey reported a mean rent of \$1,239 compared with \$1,240 reported from the Rent Board records for 2009, also less than a 1% difference.

Rent levels were quite different for individuals who moved in before 2013 (long-term tenants) and those who did so after 2012 (short-term tenants). For short-term tenants, the median rent was \$2,295, and the mean rent as \$2,426. Looking separately at student and non-student households among the short-term tenancies, the median student rent was reported at \$2,500 and the median non-student rent was \$2,200.

³⁰ In the 2009 report, the “15 months or less” category is not mutually exclusive with the “1-5 year” category. To address this, SSRC analysts have used “11 months or less” as the cutoff for this category, even though the percentages in the table for 2009 reflect up to 15 months.

³¹ Respondents living in their residences for more than five years but less than six years were coded as living in their units for five years.

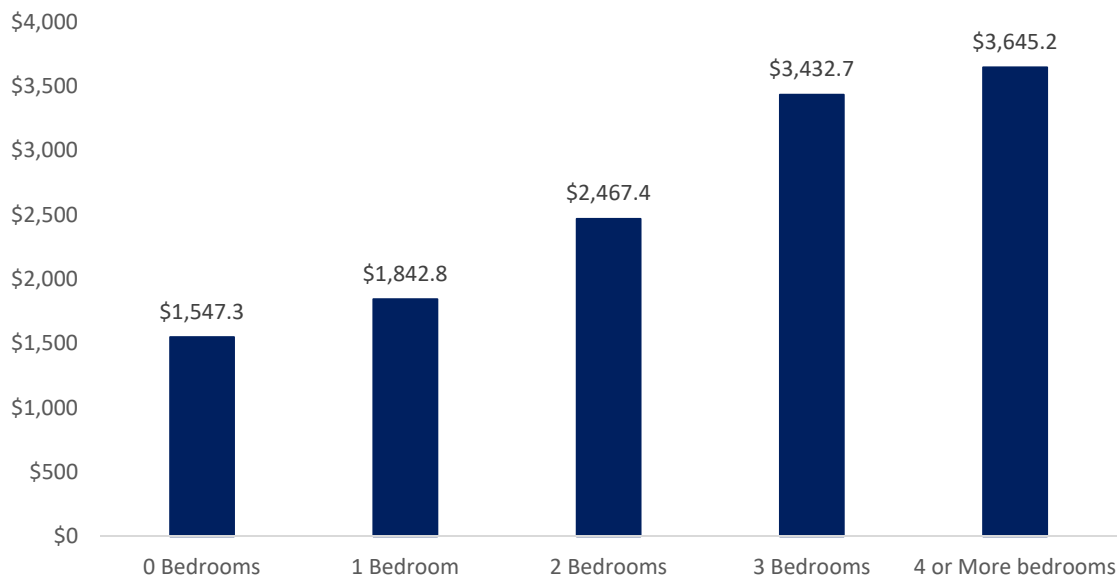
³² Respondents living in their residences for more than ten years but less than eleven years were coded as living in their units for ten years.

For long-term tenants, the median 2022 rent was \$1,200 and the mean rent was \$1,321.³³ When looking at the range of rents for short and long-term tenancies, the 25th percentile rent for long-term tenancies was \$900 and the 75th percentile rent was \$1,647. However, among short-term tenancies, the 25th percentile was \$1,830, and the 75th percentile was \$2,800.

Among short-term tenancies, the mean rent was significantly higher among student households ($M = \$2,681$) than it was among non-student households ($M = 2,343$).³⁴

The number of bedrooms per unit was related to average monthly rent, as shown in Figure 6.³⁵

Figure 6. Monthly Rent by Number of Bedrooms in Unit



b. Rent and Legal Rent Ceiling

There were some differences between the legal rent ceiling and the reported rent for each unit. Among long-term tenants, 13% reported a rent of 5% or more above the legal rent ceiling. This compares to the 7% of pre-1999 tenants who reported the same in 2009. Among short-term tenants, 26% reported a rent of 5% or more above the ceiling, an increase from the 5% of tenants who moved in between 1999 and 2007 who reported the same.

In addition, 23% of short-term tenants reported a rent of at least 5% under the rent ceiling for their unit. This reflects an increase from the 14% of residents who moved in between 1999 and 2007 who reported the same. Meanwhile 30% percent of the long-term tenants also reported a rent of at least 5% under the rent ceiling of their unit compared to 13% of pre-1999 tenants who did the same in the 2009 survey.

³³ The mean rent of short-term tenancies was significantly higher than that of long-term tenancies: $t(866) = 13.65$, $p < .001$.

³⁴ $t(649) = -3.89$, $p < .001$.

³⁵ $F(4, 866) = 90.2$, $p < .001$.

The increased percentage of households who report differences between the legal rent ceiling and the rent for their unit likely reflects the large-scale data migration the Rent Board underwent in 2022. This new system contained errors that caused legal rent ceilings to appear higher than they should have, sometimes by denominations as high as \$1,000. Other potential explanations include landlords failing to update the Rent Board leading to inaccurate records, landlords giving temporary reductions in rent due to COVID-19, respondents reporting rent for their entire building rather than their own unit, and tenants including charges for additional services, such as parking or storage space in their rent, since they are paid for in the same transaction.

c. Rent Burden

Rent burden is the percentage of a household's income spent on gross rent: the monthly contract rent plus the cost of utilities. The U.S. Department of Housing and Urban Development uses a standard of 30% of income as the basis for its subsidy programs. Tenants paying over 30% of their income for rent and utilities are considered rent burdened, and those paying over 50% are considered extremely rent burdened because this leaves little income for the other necessities of life. According to Moody’s Analytics, the average American is rent burdened.³⁶

Our estimate of rent burden is necessarily only approximate. The survey obtained exact information on rents and utility costs, but incomes were given within a range. For purposes of this analysis, incomes were assumed to be in the middle of the stated range, except for incomes under \$10,000, which were assumed to be \$7,500. Analysis of the two previous mail surveys also used the middle of the range.

In 2022, the median rent burden among all non-student households was 31%. For short-term tenancies, the median rent burden was 41%, while among long-term tenancies, it was 28%. More than a quarter (28%) of all non-student tenant households reported paying over 50% of their income for rent and utilities, compared with 26% in 2009 and 20% in 1998. This projects to approximately 4,107 households that are severely rent burdened.

Table 15: Rent Burden of Non-Student Households: 1998, 2009, 2022					
Survey Year	1998	2009	2022		
			All	Short-Term	Long-Term
Up to 30% of income	59%	50%	48%	45%	56%
More than 30%	41%	46%	53%	55%	44%
More than 50%	20%	26%	28%	29%	23%

³⁶ Chen, L. & Le, M. (2023). Key Takeaways from the 4th Quarter Housing Affordability Update. Moody’s Analytics. <https://cre.moodyanalytics.com/insights/market-insights/q4-2022-housing-affordability-update/>

Among short-term non-student households, 55% pay over 30% of their income on rent and utilities, and 29% of them pay over 50% of their income in gross rent. This projects out to 5,945 rent-burdened households in the universe, including about 3,135 severely rent-burdened households.

For long-term tenancies, excluding the 2% who reported they were a student household, 44% pay over 30% of their income on rent and utilities, with more than half of those (23%) paying over 50% of income in gross rent. There are approximately 3,781 non-student long-term tenancies in Berkeley, which indicates that approximately 3,781 households are rent burdened and about 870 are severely burdened.

Rent burdens have steadily been increasing as rents have increased, but long-term tenants clearly benefit substantially from rent stabilization. If rent controls were eliminated, the rents of long-term tenants would be increased by at least 54%. Such a rent increase would raise the median rent burden for this group to 47% of income. The proportion of all households paying over 30% of income for rent would increase to 71%, with more than half of those (65%) paying over 50% of income for rent.

VI. Building Conditions

a. Unit Conditions

Overall, unit conditions were described as being relatively similar compared to 2009, with 62% saying their unit was in excellent or good condition, compared to 61% in 2009. Units were viewed more favorably than in 1998, however, with 47% describing them as in excellent or good condition at that time. A larger proportion (43%) of long-term tenancies described their unit as fair relative to short-term tenancies (29%). This difference was statistically significant.³⁷

	Short-Term Tenancies	Long-Term Tenancies	All
Excellent	11%	10%	11%
Good	54%	41%	51%
Fair	29%	43%	32%
Poor	6%	7%	6%

b. Building Conditions

The majority (65%) of participants reported their building was in the same condition compared to when they first moved into their unit. This finding was consistent with the 65% who reported their building remained in the same condition in 2009. However, when comparing long-term and short-term tenants, significant differences were observed.³⁸ Long-term tenants were almost twice as likely (34%) to report that the condition of the building was worse than when they moved into their unit in comparison to short-term tenants (18%). Short-term tenants were also one and a half times more likely (69%) to report their building was in the same condition compared to long-term tenants (45%).

³⁷ $\chi^2(1, N = 895) = 12.43, p = .001$

³⁸ $\chi^2(2, N = 895) = 38.23, p < .001$

Table 17: Building Conditions			
	Long-Term Tenancies	Short-Term Tenancies	All
Better	22%	12%	14%
Same	45%	69%	65%
Worse	34%	18%	21%

c. Building Problems

Even though a majority of units were described as being in good condition, 79% of respondents reported there was a physical problem in their building. This was similar to the 75% of tenants who reported an issue in 2009 but a decrease from the 83% observed in 1998. The most frequently listed were "doors or windows" at 40%, "plumbing" at 28%, "mold" at 28%, "heat" at 26%, and "secure mailboxes" at 25%. In addition, 20% reported problems with "other tenants," and 19% stated they had problems with "construction noise." The average number of problems per building among the 727 buildings represented by the 897 survey respondents in 2022 was 3.2, modestly higher than the 2.4 observed in 2009 but lower than the 1998 average of 3.5 problems per building.

Table 18: Problems Reported in Building			
	2022	2009	Difference
Doors/Windows	40%	38%	+2%
Plumbing	28%	30%	-2%
Mold/Mildew	28%	26%	+2%
Heat	26%	18%	+8%
Secure Mailboxes	25%	16%	+9%
Appliances	24%	15%	+9%
Paint	23%	19%	+4%
Security	22%	16% ³⁹	+6%
Other tenants	20%	-	-
Construction Noise	19%	-	-
Exterior Lighting	18%	16% ⁴⁰	+2%
Insects/Bed Bugs	11%	NA	NA
Rats/Mice	10%	NA	NA
Roof	10%	9%	+1%
Stairs/Porch	10%	9%	+1%
Elevator	8%	6%	+2%

Long-term tenants were significantly more likely to report problems related to paint in comparison to short-term tenants.⁴¹ One-fifth (20%) of respondents also said there were problems with other tenants and 19% stated there were issues with construction noise, which short-term tenants (20%) were more likely to report than long-term tenants (13%), but these were not counted when summing the total number of problems in the building as they were not included in the 2009 survey.

Monthly contract rent was unrelated to the presence of problems in the building as reported by respondents, as well as the total number of problems present in the building.

³⁹ In the 2009 survey, the categories of security and exterior lighting were combined. The percentages reported in the security category for the 2009 study reflect the combination.

⁴⁰ In the 2009 survey, the categories of security and exterior lighting were combined. The percentages reported in the exterior lighting category for the 2009 study reflect the combination.

⁴¹ $\chi^2(1, N = 875) = 19.55, p < .001$

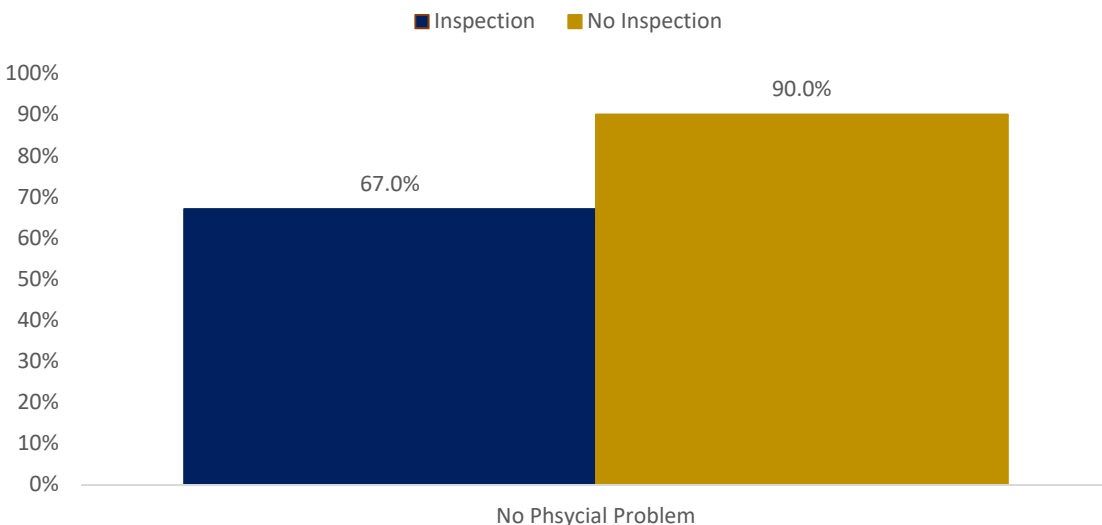
When asked whether there was an elevator in their building, nearly one-fifth of tenants (18%) reported the presence of one. Forty-two percent of tenants with an elevator in their building stated it was sometimes, often, or always out of service. Interestingly, a majority (59%) of both recent tenants and long-term tenants (56%) indicated their elevator was never or rarely out of service. Of those who reported that their elevator was periodically out of service, long-term tenants were more likely (85%) to state that their landlord or manager took less than 30 days to fix their elevator compared to short-term tenants (56%). Nearly 30% of tenants (33% of short-term tenants and 12% of long-term tenants) did not know how long it took for their elevator to be repaired.

d. Preventive Safety Inspections

Slightly more than two in five (44%) of all tenants noted the landlord or manager had inspected their rental unit in the past year. The same proportion (44%) stated there had been no inspection during that time frame.⁴² More than ten percent (13%) did not know whether an inspection had occurred. A somewhat larger proportion of long-term tenancies had received an inspection of their rental unit in the last year (50%) compared to short-term tenancies (42%).

There was a substantial difference in the quality of buildings between those who reported having regular inspections and those who did not. For units in which the landlord or manager had done an inspection in the last year, 33% of tenants reported no physical problems, and those who did reported an average of 2.7 problems per building. On the other hand, 10% of tenants living in units where no inspection had occurred in the past year reported no physical problems. Among the buildings with reported physical problems, there was an average of 4.1 problems per building.

Figure 7. Presence of Physical Problem in Building by Safety Inspection



⁴² Receptiveness to safety inspections could have been impacted by COVID-19, with significantly fewer tenants wanting people in their residences during this time.

Fourteen percent of all tenants reported that their landlord or property manager had given them a safety checklist and certified that their unit was in good condition, as required by the Rental Housing Safety Ordinance. This was similar to the 16% observed in 2009. A larger proportion of long-term tenancies had received a safety checklist and certification that their unit was in good condition within the last year (19%) than short-term tenancies (13%).

e. Smoke & Carbon Monoxide Detectors

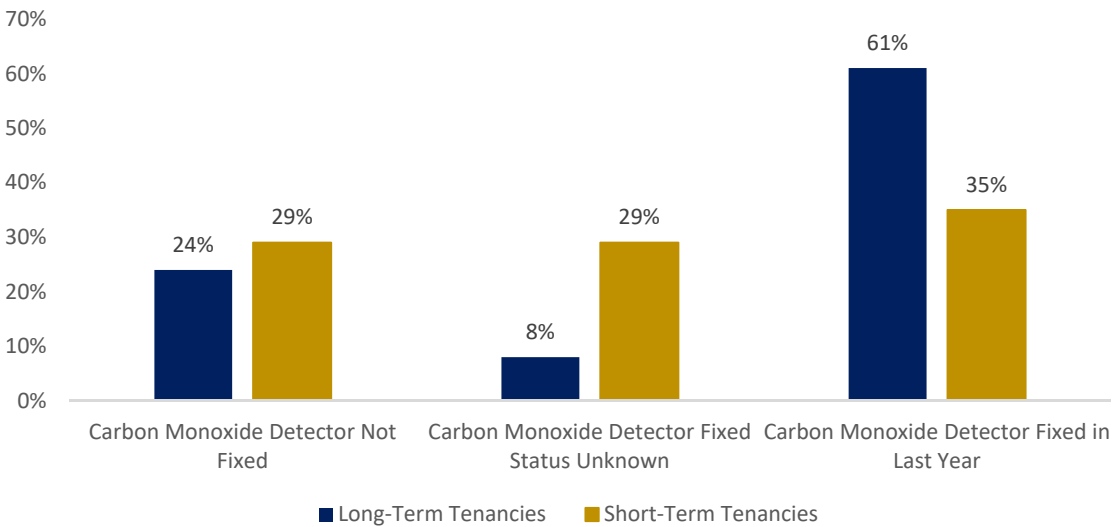
Consistent with what was observed in 2009, only 2% of survey completers indicate there were no smoke detectors in their unit; however, 30% of those who did have smoke detectors in their unit say they have not been checked in the past year to ensure they were in working condition, and another 18% don't know whether they have been checked. These percentages were mostly consistent with what was observed in 2009.

A larger proportion of short-term tenants had not had their smoke detectors checked in the past year to ensure they were in working condition (31%) or did not know if they had been checked (22%) compared to long-term tenants (25% and 6%, respectively). Additionally, while 69% of long-term tenants reported having their smoke detectors checked during the past year, only 46% of short-term tenants reported the same.

A question regarding carbon monoxide detectors was added to the 2022 survey. Seven percent of respondents report not having a carbon monoxide detector in their unit. Of those who do, 28% report that they have not been checked in the past year to ensure that they work, and another 24% do not know if they have been checked.

A slightly larger proportion of short-term tenancies (29%) had not had their carbon monoxide detectors checked in the past year compared to long-term tenancies (24%). Conversely, a notably larger proportion of short-term tenancies did not know if their carbon monoxide detectors had been checked (29%) relative to long-term tenancies (8%). Additionally, while 61% of long-term tenants reported having their carbon monoxide detector checked in the last year, only 35% of short-term tenants reported the same to be the case (Figure 8). The percentages in Figure 8 sum to less than 100% because those who reported not having a carbon monoxide detector in their unit were not included.

Figure 8. Status of Carbon Monoxide Repair in Last Year by Household Status, 2022



f. Recycling

Nearly all (98%) survey participants indicated their building had accessible recycling containers, and a majority (60%) reported these containers were big enough. However, more than one-third (38%) noted they were not big enough and often get filled to overflowing. Only 2% stated they did not know whether there were recycling bins in their building or noted there were none.

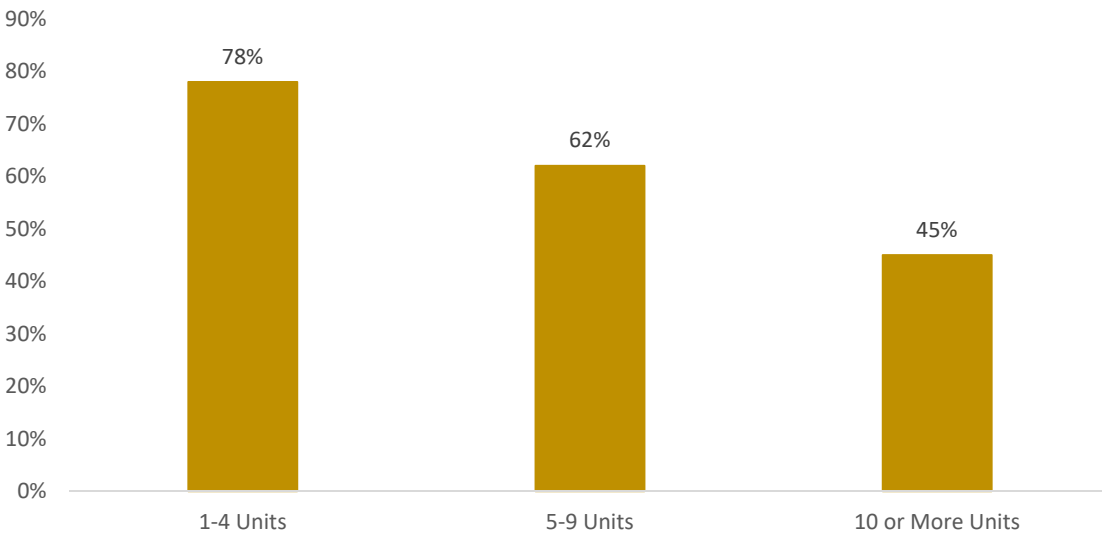
Whether buildings had large enough recycling bins according to respondents was unrelated to the presence of vermin in the buildings.

A slightly higher proportion (65%) of long-term tenancies reported adequate recycling containers than short-term tenancies (59%).

There was a tendency for tenants of larger buildings to be less likely to have reported adequate recycling containers, and the difference was significant.⁴³

⁴³ $\chi^2(4, N = 716) = 59.29, p < .001$

Figure 9. Presence of Adequate Recycling Containers by Building Size



A new question on the 2022 survey inquired about compost (green bin) containers accessible to tenants. Eight in ten (80%) respondents reported having access to compost containers, while another 5% did not know if these containers existed in their building. The remaining 15% noted that these were not available in their building. A larger proportion of long-term tenants reported the accessibility of compost containers (87%) compared to short-term tenants (78%).

There was a tendency for tenants of larger buildings to be less likely to report the presence of accessible compost bins, and the difference was significant.⁴⁴

	YES	No	Don't Know	Total
1 to 4 units	90%	8%	2%	100%
5 to 9 units	89%	9%	2%	100%
10 or more units	72%	23%	5%	100%
ALL	84%	15%	3%	100%

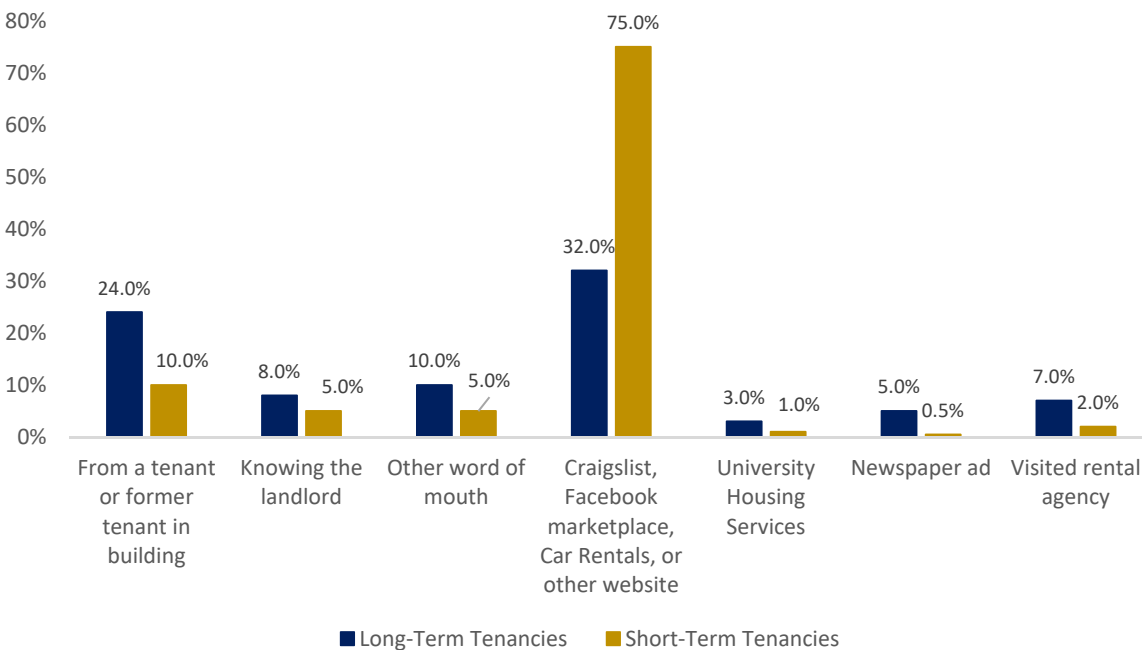
⁴⁴ $\chi^2(4, N = 719) = 35.32, p < .001$

VII. Tenant Knowledge and Tenant-Landlord Relations

a. Finding the Unit

The means by which tenants learn about available units has remained almost the same since 2009. In 2009, most tenants (63%) learned about available units through Craigslist or other websites. This remained true in 2022, with 67% of respondents stating they learned of their unit through Craigslist, Facebook Marketplace, Cal Rentals, or another website. Similarly, the second most commonly cited way a respondent found an available unit in 2009 and 2022 was through a former tenant (both 13%, respectively). However, the results in 2022 and 2009 differ dramatically from the results of the 1998 survey. In 1998, the most common way participants found their available unit was through a rental agency (32%), followed by a former tenant (24%), and other word of mouth (10%). Long-term tenants were more likely to find their units from another/former tenant in the building,⁴⁵ newspaper ad,⁴⁶ or visiting a rental agency⁴⁷ than short-term tenants. On the other hand, 75% of short-term tenancies found their unit using Craigslist, Facebook Marketplace, Car Rentals, or some other website, while only 32% of long-term tenancies did the same.⁴⁸ These differences were statistically significant.

Figure 10. How Respondents Found Their Unit by Tenancy



b. Expectations for the Future

Due to the high turnover rate and large student population in the area, it comes as no surprise that 44% of tenants indicated they expected to move from their current place of residence in one or two years. Fifteen percent noted they would likely move in three or four years, and a much smaller proportion (3%)

⁴⁵ $\chi^2(1, N = 893) = 26.18, p < .001$

⁴⁶ $\chi^2(1, N = 893) = 26.52, p < .001$

⁴⁷ $\chi^2(1, N = 893) = 14.99, p < .001$

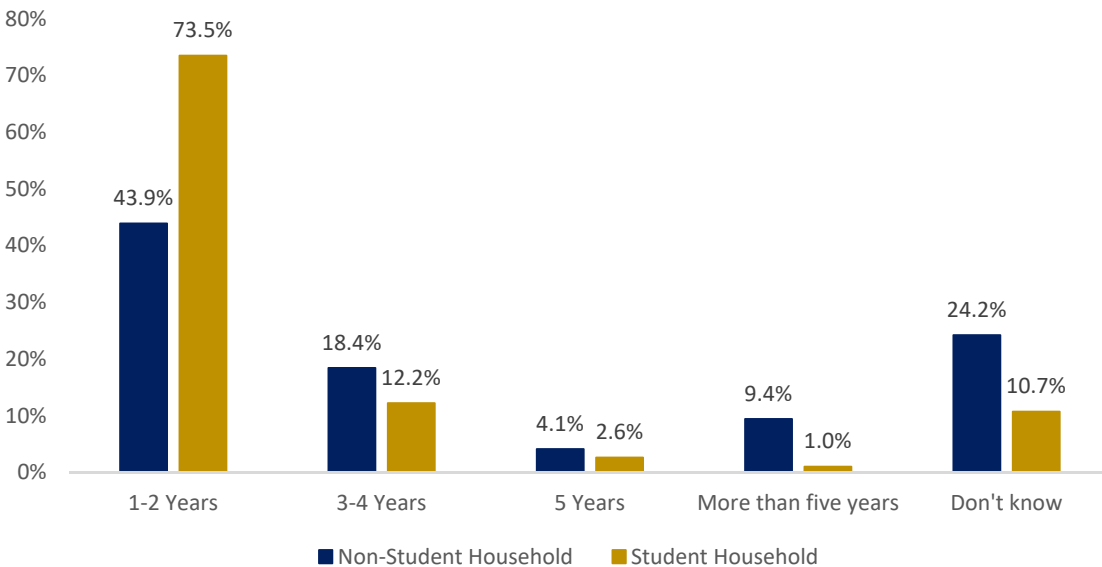
⁴⁸ $\chi^2(1, N = 893) = 119.88, p < .001$

within five years. Another 15% stated they expected to stay where they are for more than five years. This was largely consistent with what was observed in 2009. Almost a quarter (23%) did not know whether they would stay or move in the next few years.

Among long-term tenants, 47% noted they expected to stay more than five years, whereas only 7% of short-term tenants did.⁴⁹ On the other hand, 52% of short-term residents stated they would move within the next one to two years, while only 10% of long-term residents stated the same.⁵⁰ These differences were statistically significant. Furthermore, 16% of short-term tenants indicated they planned to move in three to four years, compared to 9% of long-term tenants. There was a higher level of uncertainty among long-term residents, with nearly a third (31%) of long-term tenants saying they don't know whether they would move or stay, compared to nearly one in five short-term residents (21%).

As shown in Figure 11, a greater proportion of those living in student households reported expecting to move from their residence in one to two years (74%) compared to those living in non-student households (44%), a difference that was statistically significant.⁵¹ Conversely, a larger proportion of those residing in non-student households expected to stay at their residence more than five years (9%) than those residing in student households (1%).⁵² More non-student households were uncertain whether they would stay where they are or move in the next few years (24%) compared to student households (11%), another difference that was statistically significant.⁵³

Figure 11. Expectations for Future by Household Type



⁴⁹ $\chi^2(1, N = 889) = 171.92, p < .001$

⁵⁰ $\chi^2(1, N = 888) = 103.53, p < .001$

⁵¹ $\chi^2(1, N = 662) = 48.10, p < .001$

⁵² $\chi^2(1, N = 662) = 15.13, p < .001$

⁵³ $\chi^2(1, N = 662) = 15.66, p < .001$

When asked whether they expected to become homeowners during the next 10 years, the greatest proportion (39%) indicated they expected to continue as renters. This was an increase from 2009 when 20% of respondents intended to continue renting. Thirty-one percent each stated they expected to own or did not know. Again, these percentages were different from what was observed in 2009, when 37% said they expected to own a home in the next 10 years, and 42% did not know what to expect. While 35% of short-term tenants expected to own in the next 10 years, only 17% of long-term tenants expected to do so, a difference that was statistically significant.⁵⁴

A third of tenants (33%) indicated that they would be interested in purchasing their building with other residents if it were put up for sale by the owner. Long-term tenants were more likely (46%) to be interested in this option than short-term tenants (30%), a statistically significant difference.⁵⁵

Asked what they would do if their landlord asked them to move out in 60 days, a nearly equal proportion of respondents stated they would seek advice and guidance from the Berkeley Rent Board (33%) and look into whether they had the right to stay (32%). More than a quarter of participants (28%) reported they would start looking for another place to live, and 5% noted they would seek free legal advice and guidance. Two percent would pay for legal advice or guidance.

Long-term tenants were much more likely (62%) to seek advice and guidance from the Berkeley Rent Board compared to more recent tenants (26%).⁵⁶ A third (33%) of short-term tenants stated they would start looking for another place to live if their landlord asked them to move out, compared to only 8% of long-term tenants.⁵⁷

c. Knowledge of Rent Stabilization

Fifty-seven percent of survey respondents knew their rent control status, while 43% did not. This was a decrease from 2009 when 73% of survey respondents were aware of their rent control status and 27% were not. There are several reasons why this might be the case. The first possible explanation is generational shifts. Tenants who completed the 2009 survey were more likely to be the first to test the Rent Stabilization Board and fight for rent stabilization laws, thus more aware of the status of their units. The second possible explanation is gentrification. Previous tenant surveys suggest a vast number of Black tenants were displaced from Berkeley from 2009 to 2020, many of whom were proponents and recipients of Rent Stabilization Board services. The third possible explanation is the presence of the COVID-19 pandemic, which resulted in less visibility for and exposure to the Rent Stabilization Board overall, which used to have a presence on the UC and Berkeley Community College campuses and at festivals, senior centers, and libraries on a regular basis. A decrease in staffing experienced between 2019 and 2021 is the fourth explanation, as this would result, again, in less exposure of the Board to the public. Finally, the passing of Costa-Hawkins in 1995 had many tenants believing they are not “under rent control.”

Long-term tenants were much more likely to be aware of their rent control status than recent tenants.⁵⁸ A substantial majority (93%) indicated that they knew their unit was covered by rent control, and only

⁵⁴ $\chi^2 (1, N = 888) = 32.57, p < .001$

⁵⁵ $\chi^2 (1, N = 873) = 15.77, p < .001$

⁵⁶ $\chi^2 (1, N = 885) = 79.57, p < .001$

⁵⁷ $\chi^2 (1, N = 886) = 43.11, p < .001$

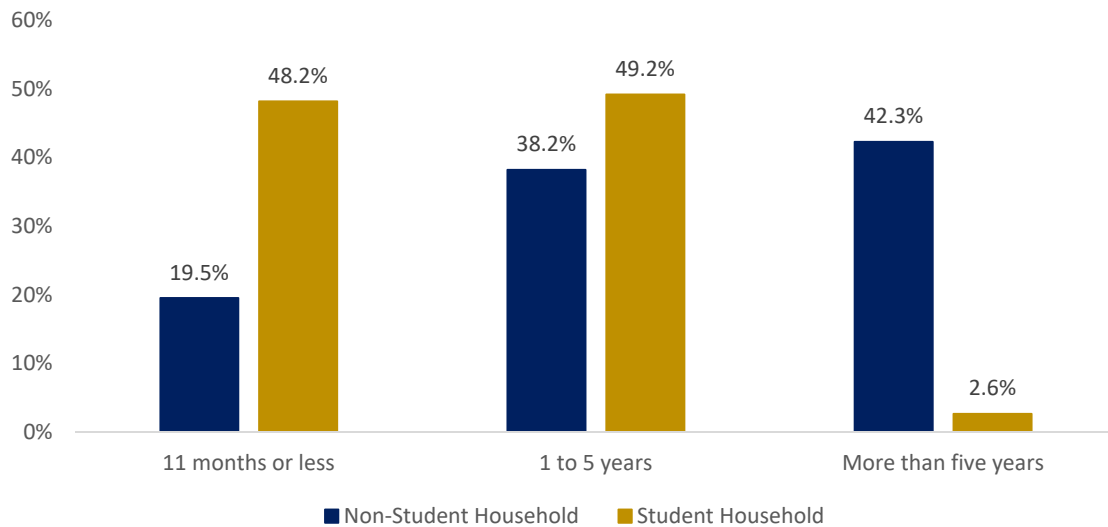
⁵⁸ $\chi^2 (1, N = 898) = 121.83, p < .001$

7% stated that they were not aware. Observing all short-term tenants, over half (52%) were not aware of their unit being subject to rent control. There was a difference between student and non-student households as one might expect. Among non-student households, 55% of residents were aware their unit was covered by rent control; meanwhile, among student households, only 30% were aware of this fact.

A majority (70%) of tenants who have lived in their rental units for 11 months or less did not know their unit was under rent control. Meanwhile, over half (53%) of tenants who have lived in their rental units for one to five years did not know their unit was under rent control. Tenants who had resided in their rental units for over five years were aware of their unit’s rent control status, with 91% stating their residency was under rent control.⁵⁹

This difference could be partly explained by the shorter duration of time students reside in their units. As shown in Figure 12, a larger proportion of student households resided in their units for 11 months or less and for one to five years compared to non-student households. On the other hand, a substantially lower proportion of student households reside in their units for more than five years compared to non-student households.

Figure 12. Length of Time at Residence by Household Type



Near equal proportions of survey respondents felt they were paying somewhat lower (29%) or about the same (32%) for their unit compared with the current market rent on similar rental units. Another 19% felt they were paying much lower than the current market rate. These values were consistent with what was observed in 2009. Only 7% indicated they were paying higher, compared with 13% who thought so in 2009, and 13% did not know, compared with 20% who reported not knowing in 2009.

⁵⁹ $\chi^2 (4, N = 873) = 223.03, p < .001$

Among long-term tenants, more than half (63%) of participants indicated that their rent was much lower compared to current market rents on similar rental units compared to 9% of short-term tenants.⁶⁰ On the other hand, 5% of long-term tenants responded that they paid about the same, while 38% of short-term tenants felt that way.⁶¹ Additionally, while only 1% of long-term tenants felt they paid higher for their units compared with the current market rate on similar rental units, 8% of short-term tenants did so.⁶²

d. Landlord Buyout Offers

A very small percentage (5%) of tenants indicated their landlord had ever offered them money to move out. There was a statistically significant difference between tenants' responses to this question depending on the time they moved into their unit. Fifteen percent of long-term tenants noted they had been given such an offer, while a much lower proportion (2%) of short-term tenants had.⁶³ Of those who received a buyout offer, only two tenants accepted it (one a long-term tenant and the other a short-term tenant). Only the long-term tenant who took the offer provided the amount: \$23,000.

e. Landlord Responsiveness to Complaints

As one might expect, given the large percentage of tenants reporting problems in their building, over three-quarters (79%) indicated they or someone in their household had complained to the landlord or manager in the past year. This compares to 76% of tenants who did so in 2009. Long and short-term tenants did not differ in their tendency to complain to their landlord or building manager about problems in their building.

Among those who filed complaints, over two-thirds (69%) noted that the owner or manager responded quickly, and slightly over a third (31%) indicated they responded after repeated complaints. A larger proportion of short-term tenants reported that their owner or building manager responded quickly to their complaints (71%) compared to long-term tenants (60%). On the other hand, a larger proportion of long-term tenants reported that their owner or building manager responded to their complaints after repeated attempts (40%) compared to short-term tenants (29%).

Almost half (47%) of survey respondents reported that the problem was fixed entirely by their landlord or building manager in response to the complaint, while 38% noted that the problem was partially fixed. Fifteen percent indicated the problem was not fixed at all.

If the manager fixed the problem either entirely or partially, participants indicated how long it took for that to happen. The vast majority (85%) of tenants reported that the issue was fixed in less than 30 days, but for 15%, it took more than 30 days. Consistent with the finding that short-term tenants were more likely to indicate that their landlord or building manager responded quickly to their complaints than long-term tenants, a larger proportion of these tenants (87%) indicated that it took less than 30 days to fix the source of their complaints either entirely or partially compared to long-term tenants (77%). Conversely, a larger proportion of long-term tenants (23%) than short-term tenants (13%) indicated that their landlord took more than 30 days to resolve the source of their complaint.

⁶⁰ $\chi^2 (1, N = 886) = 258.66, p < .001$

⁶¹ $\chi^2 (1, N = 886) = 72.58, p < .001$

⁶² $\chi^2 (1, N = 885) = 13.19, p < .001$

⁶³ $\chi^2 (1, N = 887) = 58.75, p < .001$

f. Sources of Conflict

Nearly three-quarters of the respondents (74%) have never had a disagreement with their current landlord or manager, a sizable improvement from the 66% who reported the same in 2009. Seventy-seven percent of short-term tenants have never had a disagreement with their current landlord or building manager, while 61% of long-term tenants have not. This was not surprising since they have lived in their buildings for substantially more time than short-term tenants. The difference between short-term and long-term tenants was statistically significant.⁶⁴

Among those who had previously had a disagreement, the primary source of conflict was maintenance and repairs (70%). Long-term tenants were more likely to describe being told to move out as the source of their conflict (14%) compared to short-term (6%). A larger proportion of short-term tenants (24%) who previously had a disagreement with their current landlord or manager described rent as the nature of their disagreement than long-term tenants (14%).

Table 20: 2022 Sources of Disagreement			
	Long-Term Tenancies	Short-Term Tenancies	All
Maintenance/repairs	68%	71%	70%
Something else	34%	22%	25%
Security or safety	19%	24%	23%
Rent	14%	24%	21%
Another tenant	17%	13%	14%
Parking	17%	11%	13%
Being told to move	14%	6%	8%

g. Tenant Resources

Of the quarter of tenants who had a disagreement with their current landlord, the most prominent sources contacted for advice or assistance were the Berkeley Rent Board (40%), family members or friends (37%), other tenants (27%), and lawyers or others providing legal assistance (20%). Fewer tenants noted they contacted a city inspector (10%), community group (5%), or student group (1%). Four percent indicated they reached out to some other source, such as an “online forum,” the “Berkeley Tenants Union,” and “neighbors.” One respondent (less than 1%) reported they contacted a church or religious group for advice or assistance. Finally, about one in five (23%) stated they did not contact anyone at all.

Long-term tenants were found to be more than twice as likely to contact the Rent Board (63%) than short-term tenants (30%), a difference that was statistically significant.⁶⁵ More than a quarter (28%) of

⁶⁴ $\chi^2 (1, N = 792) = 18.15, p < .001$

⁶⁵ $\chi^2 (1, N = 205) = 19.62, p < .001$

long-term tenants noted they reached out to a lawyer or someone for legal assistance, while only 16% of short-term tenants did. A larger proportion of short-term tenants reported contacting no one in response to their disagreement with their landlord or building manager (26%) compared to long-term tenants (17%).

Six in ten participants reported that they had received mailings from the Berkeley Rent Board (other than the survey). This compares with 87% in 2009. The majority (87%) of long-term tenants reported receiving mailings from the Berkeley Rent Board, whereas about half (53%) of short-term tenants indicated this, a difference that was statistically significant.⁶⁶

While more than a quarter (25%) of all participants stated they or someone in their household had contacted the Board for free information or assistance, there was a significant difference depending on their time as a tenant. Over half (54%) of those there long-term had made such contacts, but less than one in five (17%) short-term tenants had.⁶⁷ The percentage of tenants stating they or someone in their household contacted the Board for free information or assistance in 2022 was similar to what was observed in 2009 (28%).

The most prominent reasons for contact were a proposed rent increase (31%) and getting something fixed in the building (29%). A larger proportion of short-term tenants contacted the Rent Board to discuss a proposed rent increase (36%) than long-term tenants (24%). While only 7% of all tenants contacted the Rent Board to get back a security deposit or interest on a security deposit, the tendency to do so varied by length of residence. Short-term tenants were more likely to contact the Rent Board for this reason (11%) than long-term residents (3%).

	Long-Term Tenancies	Short-Term Tenancies	All
A proposed rent increase (the lawful rent ceiling)	24%	36%	31%
Getting something fixed in the building	32%	27%	29%
Eviction notice	9%	10%	10%
Loss of service such as parking or storage	9%	9%	9%
Getting back security deposit or interest on security deposit	3%	11%	8%
Landlord asked me to move out	10%	6%	8%

Of those who reached out, a bit less than two-thirds found the Rent Board staff very helpful (60%), about a third (30%) noted they were somewhat helpful, and only one in ten (10%) said they were not

⁶⁶ $\chi^2 (1, N = 760) = 65.38, p < .001$

⁶⁷ $\chi^2 (1, N = 847) = 100.06, p < .001$

helpful. These findings were consistent with what was observed in 2009. Only two in ten respondents (21%) were aware of the City of Berkeley’s Rental Housing Safety Program (also known as Housing Code Enforcement). While four in ten (40%) long-term tenants were aware of this program, only 16% of short-term tenants were, a statistically significant difference.⁶⁸

Consistent with 2009 findings, tenants reported that contact with the City of Berkeley’s Rental Housing Safety Program was much less frequent overall (6%). However, a much higher proportion of long-term tenant contacted the Rental Housing Safety Program (14%) than did short-term tenants (4%), a statistically significant finding.⁶⁹ Among those who did reach out, the greatest proportion (47%) stated the housing inspection staff were very helpful, a similar percentage (42%) said they were somewhat helpful, and 11% indicated they were not helpful. These values reflect a decrease in satisfaction with the response of housing inspection staff as in 2009, 63% stated housing inspection staff were very helpful. Sample sizes were too small to compare long-term and short-term tenants’ responses to this item.

Three-quarters of respondents (75%) prefer to contact Rent Board staff by email, while a little more than half (54%) prefer to do so by phone. Another third (32%) prefer to contact the Rent Board via computer appointments, such as Zoom, Microsoft Teams, or Google Chat, and the smallest proportion (25%) prefer to visit in person. These percentages sum to greater than 100% because respondents could select all methods of communication that applied to them.

Seventy-two percent of long-term tenants preferred to contact Rent Board staff by phone, while one-half of short-term tenants preferred to do the same, a statistically significant difference.⁷⁰ Long-term tenants were also significantly more likely (36%) to prefer to contact Rent Board staff through in-person visits than short-term tenants (22%).⁷¹ Conversely, more than three-quarters of short-term tenants (77%) prefer to reach Rent Board staff via email, while 63% of long-term tenants prefer to reach Rent Board staff in this way, a difference that was also statistically significant.⁷²

⁶⁸ $\chi^2 (1, N = 884) = 48.42, p < .001$

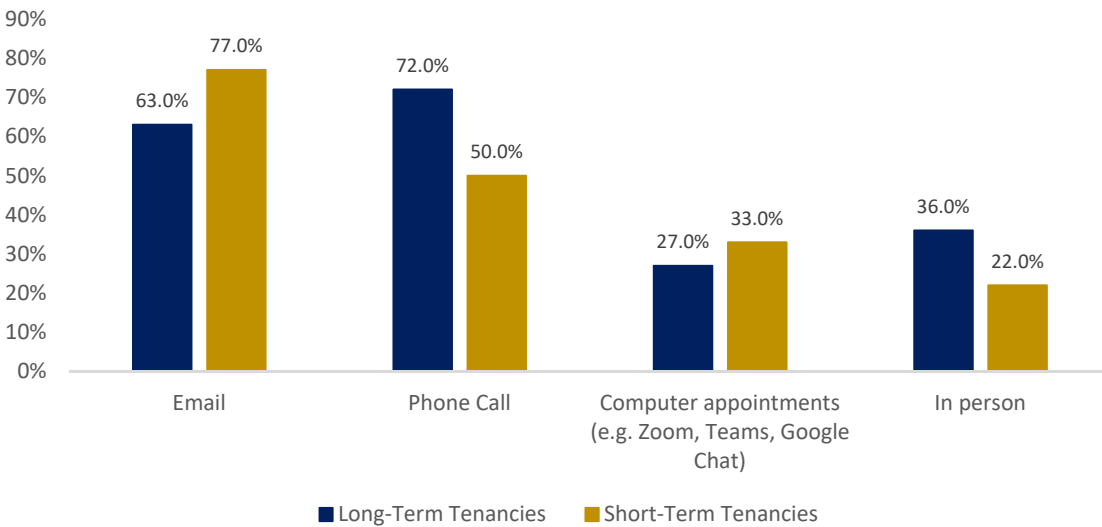
⁶⁹ $\chi^2 (1, N = 844) = 27.18, p < .001$

⁷⁰ $\chi^2 (1, N = 897) = 27.73, p < .001$

⁷¹ $\chi^2 (1, N = 897) = 14.46, p = .001$

⁷² $\chi^2 (1, N = 898) = 16.28, p < .001$

Figure 13. 2022 Preferred Methods to Contact Rent Board Staff



h. Tenant Involvement in Neighborhood Preparedness

Participation in or knowing someone who participates in neighborhood disaster preparedness or crime watch groups was reported by only 8% of all tenants, with 7% having contact with disaster preparedness and 3% with crime watch. These percentages were consistent with those observed in 2009. The figures were somewhat higher for the long-term tenants, with 15% having contact with disaster preparedness and 6% with crime watch, compared to 5% and 2% among short-term tenants.⁷³

Less than 1% of respondents in the survey sample lived in buildings on the City’s list of soft-story buildings that had not yet undergone seismic safety work. None of these respondents reported participation in or knowing a participant in neighborhood disaster preparedness, lower than the proportion in the tenant population generally.

i. Effects of COVID-19 and Related Support Experienced by Tenants

In the 2022 survey, participants were asked if they had experienced any financial hardships due to the COVID-19 pandemic. Nearly a third of respondents (27%) experienced a financial hardship with the most common being the loss of a job or income among both short-term tenants (86%) and long-term tenants (88%). Falling behind on rent was the only hardship out of those listed with a modest difference when comparing short-term (19%) and long-term (10%) tenants.

⁷³ $\chi^2 (1, N = 888) = 22.30, p < .001$

	Long-Term Tenancies	Short-Term Tenancies	All
Loss of job or income	88%	86%	86%
Falling behind on rent	10%	19%	17%
Reduction of total number of housemates due to COVID-19	10%	8%	8%
Other	12%	8%	9%
Temporarily moved or was displaced due to housemate having COVID-19	2%	7%	6%
Threatened with eviction	0%	3%	3%

A lower proportion of those who experienced a financial hardship as a result of COVID-19 had contacted the Berkeley Rent Board for free information or assistance (65.4 %) than those who had not (79%), a counterintuitive finding.⁷⁴

Forty-three percent of respondents who experienced financial hardships as a result of COVID-19 stated they had received some type of related support when asked in the 2022 survey. Rent relief or other financial assistance from the government or non-profit organizations was the most popular form of support, with 40% of long-term tenants and 28% of short-term tenants reporting it. Having received these types of support was unrelated to whether the respondent or someone else in their household had ever contacted the Rent Board.

	Long-Term Tenancies	Short-Term Tenancies	All
Rent relief or other financial assistance from the government or a non-profit organization	40%	28%	31%
Advice or guidance regarding tenants' rights and/or eviction protections	10%	12%	11%
Other	12%	6%	7%
Representation or guidance from a legal assistance organization	2%	2%	2%

⁷⁴ $\chi^2(1, N = 793) = 16.73, p < .001$

j. Climate Change Concerns

An item on the 2022 survey read, “Please indicate if you are concerned about any of the following impacting your housing or the habitability of your unit.” Respondents were given five concerns to choose from and were allowed to provide an additional concern if it wasn’t already listed. The majority (81%) of tenants selected at least one concern, with 24% selecting two concerns, 16% selecting three concerns, 10% selecting four concerns, and 5% selecting five or six concerns. Nearly one-fifth (19%) selected none. A greater proportion of short-term tenants reported having no climate change concerns (20%) compared to long-term tenants (13%). Meanwhile, a larger proportion of long-term tenants selected more than three climate change concerns (36%) compared to short-term tenants (29%).

The most commonly selected concern overall was “earthquakes and earthquake safety of the building” at 59%, followed by “loss of electricity due to power outages” at 49%, “heat waves” at 29%, “danger of wildfire or wildfire smoke” at 27%, and “flooding” at 13%.

As might be expected, those who reported problems with heat in their building were more likely to indicate they were concerned about the effect of heat waves (37%) than those who did not report this problem in their building (27%).

Table 24: Natural Disaster Concern by Tenant			
	Long-Term Tenancies	Short-Term Tenancies	All
Earthquakes and earthquake safety of the building	67%	56%	59%
Loss of electricity due to power outages	54%	47%	49%
Heat waves	30%	29%	29%
Danger of wildfire or wildfire smoke	31%	26%	27%
Flooding	8%	14%	13%
Some other concern	17%	9%	11%

Appendix A: Survey Results

Weighting to Match Population Proportion

“Weighting” is a common procedure used in survey research to increase the accuracy of the statistical testing and make the results generalizable to the population. This technique is generally used when the sample of those who participated in a study differs from the population of interest.

The 2022 Berkeley Tenants Survey used two different sample groups to conduct the survey, those who moved into their units prior to 2013 (long-term tenants) and those who moved in after 2012 (short-term tenants). Of the 19,300 rental units registered with the Berkeley Rent Stabilization Board at the time the sample for the study was created, 4,884 were recorded as long-term tenants and 14,416 as short-term. However, it was found in the study that 21% ($n = 81$) of survey respondents within the long-term sample had a move-in date after 2012. It is likely the landlords did not update the rent board when previous tenants vacated these units and new tenants moved in; thus, these respondents were reclassified as short-term tenants. While there was a small amount ($n = 22$; 4.3%) of short-term units that reported being in their unit prior to 2013, none were changed to long-term units. These responses were kept in the 2013-2022 tenancies group because Rent Board records indicated the unit had recorded a new rent after a vacancy. There are various scenarios under which a tenant might report having lived in a unit prior to 2013, and yet the unit would have received a vacancy increase. These include situations where a tenant sublet prior to 2013 without the landlord's knowledge, where an original pre-2013 tenant moved out, leaving behind a tenant who began sharing the rental prior to 2013, and where a tenant moved out and back into the same unit. When adjusting for these findings, the approximate universe for long-term units was 3,858 (20%) and 15,442 (80%) for short-term units in October 2022.

Of the 897 survey responses in the 2022 Berkeley Tenants Survey, 304 (34%) were long-term tenants and 593 (66%) were short-term. However, in the universe of renters in Berkeley, the proportions were estimated to be 80% short-term and 20% long-term tenants. Because the proportions for long-term and short-term tenants in the survey sample differed significantly from those found in the universe, weighting was required. The responses from the long-term sample were weighted to be equal to $1/2.05^{\text{th}}$ (0.489) of each response from the short-term sample. The short-term sample remained at a weight of 1.0. This weighting considers both the proportionally larger number of long-term tenants surveyed and the higher response rate among the sample, generating accurate percentages for all tenancies in registered rental units in October 2022.

2022 BERKELEY TENANTS SURVEY RESULTS⁷⁵

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question A. Do you receive monthly rental assistance from the Berkeley Housing Authority, the City, or the Federal government?

YES	8	3%	11	2%	19	2%
NO	305	97%	593	98%	898	98%
TOTALS	313	100%	604	100%	917	100%

Question B. Is the place where you live rent controlled?

YES	168	93%	342	48%	510	57%
NO	3	2%	108	15%	111	12%
I DON'T KNOW	9	5%	267	37%	276	31%
I/WE DON'T PAY RENT	1	1%	0	0%	1	0%
TOTALS	181	100%	717	100%	898	100%

Question 1. How would you rate the overall condition of your housing unit?

EXCELLENT	18	10%	81	11%	99	11%
GOOD	73	41%	384	54%	457	51%
FAIR	76	43%	206	29%	282	32%
POOR	12	7%	45	6%	57	6%
TOTALS	179	100%	715	100%	894	100%

⁷⁵ The value in the "Number of Responses" columns have been rounded up, due to weighting. As a result, this column may not produce the exact sum of the number of pre-2013 tenants and 2013 – 2022 tenants.

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 2. Since you moved in, is the condition of the building...?

BETTER	39	22%	88	12%	127	14%
SAME	80	45%	497	69%	578	64%
WORSE	60	34%	131	18%	191	21%
TOTALS	179	100%	716	100%	896	100%

Question 3. In the last year, have the smoke detectors been checked to make sure they work?

YES	123	69%	328	46%	451	50%
NO	44	25%	220	31%	265	30%
DON'T KNOW	10	6%	155	22%	165	18%
NO SMOKE DETECTORS	2	1%	13	2%	15	2%
TOTALS	179	100%	716	100%	896	100%

Question 4. In the last year, have the carbon monoxide detectors been checked to make sure they work?

YES	110	61%	254	35%	364	41%
NO	44	24%	206	29%	249	28%
DON'T KNOW	14	8%	206	29%	219	24%
NO CARBON MONOXIDE DETECTORS	12	7%	51	7%	63	7%
TOTALS	179	100%	716	100%	896	100%

Question 5. Does your building have recycling containers that are accessible to the tenants?

YES	178	99%	701	98%	878	98%
NO	0	0%	12	2%	12	1%
DON'T KNOW	2	1%	5	1%	7	1%
TOTALS	179	100%	718	100%	897	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 5a. If yes, are the recycling containers big enough or do they often get filled to overflowing?

BIG ENOUGH	116	65%	420	59%	536	60%
OFTEN GET FILLED TO OVERFLOWING	61	35%	281	41%	342	38%
TOTALS	176	100%	701	100%	877	98%

Question 6. Does your building have compost (Green Bin) containers that are accessible to the tenants?

YES	155	87%	559	78%	714	80%
NO	18	10%	122	17%	141	16%
DON'T KNOW	5	3%	36	5%	42	5%
TOTALS	179	100%	718	100%	896	100%

Question 7. In the last year, has the landlord or manager inspected your rental unit to see if there are any problems that need fixing?

YES	90	50%	300	42%	390	44%
NO	79	44%	312	44%	391	44%
DON'T KNOW	10	6%	103	14%	113	13%
TOTALS	179	100%	715	100%	895	100%

Question 8. In the last year, has the landlord or manager given you a safety checklist?

YES	44	24%	123	17%	167	19%
NO	121	67%	490	68%	611	68%
DON'T KNOW	15	8%	103	14%	118	13%
TOTALS	179	100%	716	100%	896	100%

Question 8a. If yes, did the landlord certify that your rental unit was in good condition with no safety problems?

YES	34	78%	92	75%	126	76%
NO	1	3%	6	5%	7	4%
DON'T KNOW	8	19%	25	21%	34	20%
TOTALS	44	100%	123	100%	167	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 9. Are there problems within your building with any of the following?

A. HEAT	33	20%	177	27%	210	26%
B. PLUMBING	50	31%	186	28%	237	28%
C. DOORS/WINDOWS	71	43%	267	39%	338	40%
D. ROOF	18	14%	50	9%	67	10%
E. STAIRS/PORCH	26	15%	54	8%	80	10%
F. ELEVATOR	8	6%	50	8%	58	8%
G. SECURITY	40	27%	138	21%	178	22%
H. EXTERIOR LIGHTING	34	21%	120	18%	154	18%
I. SECURE MAILBOXES	46	27%	163	24%	209	25%
J. PAINT	59	34%	140	21%	199	23%
K. APPLIANCES	45	28%	151	23%	197	24%
L. MOLD	44	32%	160	27%	203	28%
M. INSECTS/BED BUGS	15	10%	76	12%	92	11%
N. RATS/MICE	24	16%	53	8%	77	10%
O. CONSTRUCTION NOISE	22	13%	138	20%	160	19%
P. OTHER TENANTS	35	22%	132	20%	167	20%
Q. OTHER (PLEASE DESCRIBE)	46	26%	121	17%	167	19%
R. ANY PROBLEM (9A - 9N)	137	77%	563	79%	700	79%
S. ANY PROBLEM (excluding "Other")	134	75%	557	78%	691	78%
TOTALS	570	---	2055	---	2626	---

NOTE: Bottom totals are for 9A - 9P only

Question 10. Do you have an elevator in your building?

YES	34	19%	129	18%	164	18%
NO	144	81%	581	81%	725	81%
DON'T KNOW	0	0%	5	1%	5	1%
TOTALS	178	100%	715	100%	893	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 10a. If yes, how often is your elevator out of service?

NEVER	2	7%	30	23%	33	20%
RARELY	17	49%	46	36%	63	38%
SOMETIMES	12	37%	30	23%	43	26%
OFTEN	2	5%	13	10%	15	9%
ALWAYS	1	2%	10	7%	10	6%
TOTALS	34	100%	129	100%	163	100%

Question 10b. When your elevator is out of service, how long does it take your landlord or manager to fix it?

LESS THAN 30 DAYS	28	86%	71	56%	100	62%
MORE THAN 30 DAYS	1	2%	13	10%	14	9%
DON'T KNOW	4	13%	42	33%	46	29%
TOTALS	33	100%	127	100%	160	100%

Question 11. Other than this survey, have you received mailings from the Berkeley Rent Board?

YES	147	83%	310	43%	457	51%
NO	22	12%	281	39%	303	34%
DON'T KNOW	8	5%	126	18%	134	15%
TOTALS	177	100%	716	100%	893	100%

Question 12. Have you or anyone in your household ever contacted the Berkeley Rent Board for free information or assistance?

YES	93	52%	115	16%	208	23%
NO	80	45%	559	78%	639	72%
DON'T KNOW	4	2%	42	6%	46	5%
TOTALS	177	100%	716	100%	893	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 12a. If yes, what was the reason for your contact with the Rent Board?

A PROPOSED RENT INCREASE (THE LAWFUL RENT CEILING)	22	24%	41	36%	64	31%
GETTING SOMETHING FIXED IN THE BUILDING	29	32%	31	27%	61	29%
GETTING BACK A SECURITY DEPOSIT OR INTEREST	3	3%	13	12%	16	8%
LOSS OF SERVICES SUCH AS PARKING OR STORAGE	8	9%	10	8%	18	9%
LANDLORD ASKED THAT I/WE MOVE OUT	9	10%	7	6%	16	8%
EVICITION NOTICE	8	9%	12	11%	20	10%
OTHER, PLEASE DESCRIBE	58	63%	48	42%	107	51%
TOTALS	139⁷⁶	150%	163⁷⁷	142%	302⁷⁸	145%

Question 12b. If yes, was the Berkeley Rent Board staff ...

VERY HELPFUL	52	57%	69	60%	121	59%
SOMEWHAT HELPFUL	31	33%	29	25%	60	29%
NOT HELPFUL	8	8%	13	12%	21	10%
DON'T KNOW	1	1%	4	3%	5	2%
TOTALS	92	100%	115	100%	207	100%

Question 13. If you wanted to contact Rent Board staff, how would you prefer to reach them?

PHONE CALL	128	71%	356	50%	484	54%
COMPUTER APPOINTMENTS SUCH AS ZOOM	49	27%	236	33%	285	32%
E-MAIL	113	63%	556	77%	668	74%
IN-PERSON VISIT	64	36%	157	22%	221	25%
OTHER, PLEASE SPECIFY	4	2%	15	2%	19	2%
TOTALS	357	199%	1319	184%	1677	187%

⁷⁶ The total observations sum to more than the 93 observed in Question 12, because respondents were allowed to select all that apply.

⁷⁷ The total observations sum to more than the 115 observed in Question 12, because respondents were allowed to select all that apply.

⁷⁸ The total observations sum to more than the 208 observed in Question 12, because respondents were allowed to select all that apply.

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 14. Are you aware of the City of Berkeley's Rental Housing Safety Program (also known as housing code enforcement)?

YES	71	40%	114	16%	185	21%
NO	107	60%	592	84%	699	79%
TOTALS	178	100%	706	100%	884	100%

Question 15. Have you or anyone in your household ever contacted the City of Berkeley's Rental Housing Safety Program for information or assistance or to request an inspection with a problem that needed fixing?

YES	24	13%	24	3%	48	5%
NO	149	83%	647	91%	796	90%
DON'T KNOW	6	3%	39	5%	45	5%
TOTALS	178	100%	710	100%	889	100%

Question 15a. If yes, was the City of Berkeley's housing inspection staff:

VERY HELPFUL	10	42%	12	50%	22	46%
SOMEWHAT HELPFUL	9	38%	11	45%	20	41%
NOT HELPFUL	4	17%	1	5%	5	11%
DON'T KNOW	1	3%	0	0%	1	1%
TOTALS	24	100%	24	100%	48	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 16_1. What month did you move into this rental unit?

JANUARY	13	8%	45	6%	58	7%
FEBRUARY	11	7%	45	6%	56	7%
MARCH	12	8%	18	3%	30	3%
APRIL	10	6%	31	4%	41	5%
MAY	10	6%	52	7%	62	7%
JUNE	17	11%	125	18%	142	17%
JULY	17	11%	74	11%	91	11%
AUGUST	19	12%	162	23%	181	21%
SEPTEMBER	17	11%	38	5%	55	6%
OCTOBER	11	7%	42	6%	53	6%
NOVEMBER	9	6%	25	4%	34	4%
DECEMBER	10	6%	45	6%	55	6%
TOTALS	156	100%	702	100%	858	17%

Question 16_2. What year did you move into this rental unit?

Before 1983	24	14%	2	0%	27	3%
1983 - 1992	25	15%	2	0%	28	3%
1993 - 2002	49	29%	1	0%	50	6%
2003 - 2008	26	15%	4	1%	30	3%
2009 - 2011	35	21%	6	1%	41	5%
2012 - 2016	9	6%	86	12%	95	11%
2017	0	0%	15	2%	15	2%
2018	0	0%	23	3%	23	3%
2019	0	0%	39	6%	39	4%
2020	0	0%	94	13%	94	11%
2021	0	0%	183	26%	183	21%
2022	0	0%	248	35%	248	28%
TOTALS	169	100%	703	100%	872	60%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 17. If someone else in your household moved in earlier than you, what year did they move in?

1983	0	0%	1	3%	1	3%
1986	0	0%	1	3%	1	3%
1992	1	17%	0	0%	1	1%
1995	1	17%	0	0%	1	1%
2000	1	17%	0	0%	1	1%
2003	1	17%	0	0%	1	1%
2004	0	0%	1	3%	1	3%
2007	1	17%	0	0%	1	1%
2009	1	17%	0	0%	1	1%
2010	0	0%	1	3%	1	3%
2013	0	0%	4	9%	4	9%
2017	0	0%	1	3%	1	3%
2018	0	0%	4	9%	4	9%
2019	0	0%	1	3%	1	3%
2020	0	0%	4	9%	4	9%
2021	0	0%	10	25%	10	23%
2022	0	0%	11	28%	11	26%
TOTALS		---	---	---	42	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 18. How did you find this rental?

FROM A TENANT OR FORMER TENANT KNOWING THE LANDLORD	43	24%	70	10%	113	13%
OTHER WORD OF MOUTH	15	8%	34	5%	49	5%
CRAIGSLIST, FACEBOOK MARKETPLACE	18	10%	33	5%	50	6%
UNIVERSITY HOUSING SERVICES	57	32%	536	75%	593	66%
NEWSPAPER AD	5	3%	6	1%	11	1%
VISITED A RENTAL AGENCY	9	5%	2	0%	11	1%
OTHER, PLEASE SPECIFY	13	7%	13	2%	26	3%
	19	11%	19	3%	38	4%
TOTALS	179	100%	714	100%	893	100%

Question 19. Where did you live just before moving into this rental unit?

BERKELEY	88	49%	316	44%	404	45%
OTHER EAST BAY	48	27%	132	18%	180	20%
OTHER CITY IN CALIFORNIA, SPECIFY CITY	28	15%	144	20%	172	19%
OTHER STATE IN THE UNITED STATES, SPECIFY	15	8%	75	11%	90	10%
INTERNATIONAL	1	0%	47	7%	48	5%
TOTALS	179	100%	714	100%	893	100%

Question 20. What kind of housing unit do you rent?

HOUSE (DUPLEX/TRIPLEX)	31	17%	119	17%	149	17%
APARTMENT	144	80%	553	77%	697	78%
ROOM (A HOUSE WITH FIVE OR MORE ROOMS)	2	1%	24	3%	26	3%
OTHER (PLEASE DESCRIBE)	3	2%	18	3%	21	2%
TOTALS	179	100%	714	100%	893	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 21. How many units are in your building?

1 UNIT	6	4%	30	5%	36	5%
2 UNITS	23	14%	65	12%	88	12%
3 UNITS	12	8%	45	8%	57	8%
4 UNITS	24	15%	86	16%	110	15%
5 UNITS	8	5%	33	6%	41	6%
6 UNITS	11	6%	48	9%	59	8%
7 UNITS	4	2%	21	4%	24	3%
8 UNITS	9	5%	53	10%	62	9%
9 UNITS	5	3%	15	3%	20	3%
10-14 UNITS	22	13%	53	10%	75	10%
15-19 UNITS	11	7%	35	6%	46	6%
20-24 UNITS	12	7%	27	5%	38	5%
25-29 UNITS	4	3%	7	1%	11	2%
30-39 UNITS	8	5%	21	4%	28	4%
40-49 UNITS	2	1%	5	1%	7	1%
50-59 UNITS	1	1%	4	1%	5	1%
60-74 UNITS	1	0%	4	1%	4	1%
75-99 UNITS	2	1%	1	0%	4	0%
100 OR MORE UNITS	1	0%	2	0%	3	0%
TOTALS	165	100%	554	100%	719	100%

Question 22. How many bedrooms are in your rental unit?

STUDIO OR ROOM (ZERO BEDROOMS)	21	12%	93	13%	114	13%
1 BEDROOM	84	47%	266	37%	350	39%
2 BEDROOMS	63	35%	261	37%	324	36%
3 BEDROOMS	9	5%	56	8%	65	7%
4 BEDROOMS	1	0%	16	2%	16	2%
5 OR MORE BEDROOMS	1	0%	19	3%	20	2%
TOTALS	178	100%	712	100%	889	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 23. How many bathrooms are in your rental unit?

ZERO BATHROOMS	1	0%	5	1%	5	1%
1 BATHROOM	163	92%	625	88%	788	89%
1 & 1/2 BATHROOMS	5	3%	15	2%	20	2%
2 BATHROOMS	7	4%	48	7%	55	6%
2 & 1/2 BATHROOMS	0	0%	5	1%	5	1%
3 BATHROOMS	0	0%	7	1%	7	1%
4 OR MORE BATHROOMS	1	1%	6	1%	7	1%
TOTALS	178	100%	710	100%	888	100%

Question 24. How many other separate rooms are in your rental unit?

NO OTHER ROOMS	12	7%	97	14%	109	12%
1 OTHER ROOM	46	26%	277	39%	323	36%
2 OTHER ROOMS	67	38%	224	32%	291	33%
3 OTHER ROOMS	27	15%	67	9%	94	11%
4 OR MORE OTHER ROOMS	25	14%	45	6%	70	8%
TOTALS	177	100%	709	100%	886	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 25. What is the total monthly rent for your rental unit?

LESS THAN \$100	0	0%	1	0%	1	0.1%
\$100 - \$199	0	0%	0	0%	0	0.0%
\$200 - \$299	0	0%	1	0%	1	0.1%
\$300 - \$399	0	0%	0	0%	0	0.0%
\$400 - \$499	1	1%	0	0%	1	0.1%
\$500 - 599	3	2%	0	0%	3	0.3%
\$600 - \$699	4	2%	2	0%	7	0.8%
\$700 - \$799	15	9%	5	1%	20	2.3%
\$800 - \$899	18	11%	10	1%	27	3.2%
\$900 - \$999	19	11%	6	1%	25	2.9%
\$1000 - \$1249	28	17%	15	2%	43	4.9%
\$1250 - \$1499	25	15%	21	3%	46	5.3%
\$1500 - \$1749	19	12%	65	9%	85	9.8%
\$1750 - \$1999	15	9%	127	18%	142	16.4%
\$2000 - \$2249	7	4%	86	12%	93	10.7%
\$2250 - \$2499	5	3%	86	12%	91	10.5%
\$2500 - \$2749	2	1%	84	12%	85	9.8%
\$2750 - \$2999	2	1%	54	8%	57	6.6%
\$3000 OR MORE	3	2%	137	20%	140	16.1%
TOTALS	167	100%	700	100%	866	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 26. On average, how much does your household pay every month for gas and electricity?

DOESN'T PAY FOR GAS AND ELECTRICITY	8	5%	46	8%	54	7%
\$0 - \$49.99	31	19%	97	16%	128	17%
\$50 - \$99.99	55	34%	217	36%	272	36%
\$100 - \$199.99	30	18%	103	17%	133	17%
\$150 - \$199.99	21	13%	54	9%	75	10%
\$200 OR MORE	17	11%	81	14%	98	13%
TOTALS	163	100%	598	100%	761	100%

Question 27. On average, how much does your household pay quarterly (every three months) for water and sewer?

DOESN'T PAY WATER AND SEWAGE	123	80%	356	71%	479	73%
LESS THAN \$100	5	3%	17	3%	22	3%
\$100 - \$249.99	17	11%	90	18%	106	16%
\$250 - \$399.99	7	5%	30	6%	37	6%
\$400 OR MORE	2	2%	10	2%	12	2%
TOTALS	154	100%	502	100%	656	100%

Question 28. Compared with the current market rent on similar rental units in this neighborhood, the rent I am paying is:

MUCH LOWER	109	63%	63	9%	172	19%
SOMEWHAT LOWER	45	26%	211	30%	255	29%
ABOUT THE SAME	8	4%	271	38%	279	31%
HIGHER	1	1%	59	8%	60	7%
DON'T KNOW	11	6%	108	15%	119	13%
TOTALS	174	100%	712	100%	886	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 29. Do you expect to stay where you are or move in the next few years?

MOVE IN ONE OR TWO YEARS	17	10%	373	52%	390	44%
MOVE IN THREE OR FOUR YEARS	15	8%	114	16%	129	14%
MOVE IN FIVE YEARS	5	3%	24	3%	30	3%
STAY MORE THAN FIVE YEARS	83	47%	53	7%	136	15%
DON'T KNOW	55	32%	149	21%	204	23%
TOTALS	175	100%	713	100%	888	100%

Question 30. Do you expect to own your own home within the next ten years?

YES	29	17%	246	34%	275	31%
NO	98	56%	244	34%	342	39%
DON'T KNOW	48	28%	223	31%	271	31%
TOTALS	176	100%	713	100%	889	100%

Question 31. If the building you live in was put up for sale by the owner, would you be interested in joining with other residents to purchase it?

YES	77	46%	212	30%	288	33%
NO	90	54%	494	70%	584	67%
TOTALS	167	100%	706	100%	873	100%

Question 32. If the landlord told you that you had to move out in 60 days, which would you be most likely to do first?

START LOOKING FOR ANOTHER PLACE TO LIVE	14	8%	235	33%	249	28%
LOOK INTO WHETHER I HAVE A RIGHT TO STAY	41	23%	244	34%	285	32%
SEEK ADVICE/GUIDANCE FROM BERKELEY RENT BOARD	107	62%	185	26%	293	33%
SEEK OTHER FREE LEGAL ADVICE AND GUIDANCE	8	5%	38	5%	46	5%
PAY FOR LEGAL ADVICE OR GUIDANCE	4	2%	10	1%	13	1%
TOTALS	174	100%	712	100%	886	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 33. Including yourself, how many people live in this unit?

1 PERSON	109	64%	234	34%	343	39%
2 PEOPLE	40	23%	292	42%	332	38%
3 PEOPLE	14	8%	90	13%	104	12%
4 PEOPLE	7	4%	51	7%	58	7%
5 OR MORE PEOPLE	1	1%	31	5%	33	4%
TOTALS	172	100%	697	100%	869	100%

Question 34. What type of household are you?

PERSON LIVING ALONE	106	60%	251	35%	357	40%
COUPLE WITHOUT CHILDREN	29	16%	157	22%	186	21%
COUPLE WITH CHILDREN	18	10%	40	6%	58	7%
SINGLE PARENT WITH CHILDREN	8	4%	31	4%	39	4%
RELATED ADULTS OTHER THAN PARENTS AND CHILDREN	4	2%	12	2%	16	2%
UNRELATED ADULTS OTHER THAN COUPLES	10	6%	215	30%	225	25%
OTHER	2	1%	6	1%	8	1%
TOTALS	177	100%	713	100%	890	100%

Question 35. Including yourself, does a person with a chronic illness or disability live in your household?

YES	42	24%	97	14%	139	16%
NO	135	76%	616	86%	751	84%
TOTALS	178	100%	713	100%	890	100%

Question 35a. If yes, does this disability substantially limit walking or climbing stairs?

YES	15	35%	18	19%	33	24%
NO	28	65%	77	81%	105	76%
TOTALS	42	100%	96	100%	138	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 36. Does your building have an automatic door opener at the ground level?

YES	11	6%	44	6%	55	6%
NO	165	94%	667	94%	832	94%
TOTALS	176	100%	710	100%	887	100%

Question 37. Does your unit have a wheel-chair accessible shower?

YES	1	1%	7	1%	8	1%
NO	176	99%	704	99%	881	99%
TOTALS	178	100%	712	100%	889	100%

Question 38. Including yourself, how many people in your household are in each of the following categories?

UNDER 5 YEARS OLD	6	2%	31	2%	37	2%
5 TO 17	21	8%	59	4%	81	4%
18 TO 24	6	2%	616	40%	622	34%
25 TO 34	15	6%	528	34%	543	30%
35 TO 54	82	30%	238	15%	320	18%
55 TO 64	55	20%	40	3%	95	5%
65 AND OVER	84	31%	44	3%	127	7%
TOTALS	269	100%	1556	100%	1825	100%

Question 39. Are you or anyone you know involved with a neighborhood disaster preparedness or neighborhood crime watch group?

YES, DISASTER PREPAREDNESS	19	11%	31	4%	51	6%
YES, CRIME WATCH	3	2%	10	1%	13	1%
YES, DISASTER PREPAREDNESS AND CRIME WATCH	7	4%	5	1%	12	1%
NO	147	83%	666	94%	813	92%
TOTALS	177	100%	712	100%	889	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 40. In the last year, have you or anyone in your household complained to the landlord or building manager about any problems in your building?

YES	125	70%	523	73%	648	73%
NO	40	22%	128	18%	168	19%
DON'T KNOW	14	8%	64	9%	78	9%
TOTALS	178	100%	715	100%	893	100%

Question 40a. If yes, how soon did the landlord or manager respond?

RESPONDED QUICKLY	67	55%	350	67%	417	65%
RESPONDED AFTER REPEATED COMPLAINTS	45	37%	144	28%	189	29%
DON'T KNOW	11	9%	28	5%	38	6%
TOTALS	123	100%	522	100%	645	100%

Question 40b. If yes, what did the landlord or manager do?

FIXED THE PROBLEM ENTIRELY	51	41%	248	48%	299	46%
FIXED PART OF THE PROBLEM	46	37%	194	37%	240	37%
DID NOT FIX THE PROBLEM	22	18%	74	14%	96	15%
DON'T KNOW	5	4%	6	1%	11	2%
TOTALS	124	100%	522	100%	645	100%

Question 40c. If yes, the manager fixed the problem entirely or partially, how long did it take them to do so?

LESS THAN 30 DAYS	73	75%	370	84%	443	82%
MORE THAN 30 DAYS	22	23%	54	12%	77	14%
DON'T KNOW	2	2%	16	4%	18	3%
TOTALS	97	100%	441	100%	537	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 41. Have you or anybody in your household ever had a disagreement with your current landlord or manager about something?

YES	65	36%	144	20%	209	23%
NO	100	56%	483	68%	583	65%
DON'T KNOW	13	7%	87	12%	100	11%
TOTALS	178	100%	714	100%	892	100%

Question 41a. If yes, what was the nature of the disagreement between you and your current landlord or manager?

MAINTENANCE/REPAIRS	44	68%	102	71%	146	70%
RENT	9	14%	34	24%	43	20%
SECURITY OR SAFETY	12	18%	35	24%	47	22%
PARKING	11	16%	16	11%	26	13%
BEING TOLD TO MOVE OUT	9	15%	8	6%	18	9%
ANOTHER TENANT	11	16%	19	13%	30	14%
SOMETHING ELSE	22	34%	31	22%	53	26%
TOTALS	117	181%	246	171%	363	174%

Question 41b. If yes, you had a disagreement with your landlord, did you contact any of the following for advice or assistance?

FAMILY MEMBER OR FRIEND	18	29%	58	41%	76	37%
OTHER TENANTS	21	33%	35	25%	56	27%
LAWYER/LEGAL ASSISTANCE	18	28%	23	16%	41	20%
BERKELEY RENT BOARD	40	63%	42	30%	82	40%
CITY INSPECTOR	9	15%	11	8%	20	10%
STUDENT GROUP	0	0%	2	2%	2	1%
COMMUNITY GROUP	2	4%	7	5%	10	5%
CHURCH/RELIGIOUS GROUP	1	1%	0	0%	1	0%
NO ONE	11	17%	36	26%	47	23%
OTHER, PLEASE SPECIFY	3	5%	6	4%	9	4%
TOTALS	123	194%	221	156%	345	168%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 42. During your time in Berkeley, has your landlord ever offered you money to move out?

YES	27	15%	13	2%	40	5%
NO	151	84%	696	97%	847	95%
DON'T KNOW	1	0%	7	1%	8	1%
TOTALS	179	100%	716	100%	895	100%

Question 42a. If you did receive a buyout offer, did you accept it?

YES	1	2%	1	9%	2	5%
NO	26	98%	12	91%	38	95%
TOTALS	27	100%	13	100%	40	100%

Question 42b. If you accepted it, how much was the offer?

23,000	1	100%	---	---	1	100%
TOTALS	---	---	---	---	---	---

Question 43. Has your household experienced any financial hardships due to impacts related to COVID?

YES	52	29%	188	26%	239	27%
NO	116	66%	478	67%	594	67%
DON'T KNOW	8	5%	50	7%	58	6%
TOTALS	176	100%	715	100%	892	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 43a. If yes please indicate below.

LOSS OF A JOB OR INCOME DUE TO COVID	45	88%	161	86%	206	86%
FALLING BEHIND ON RENT	5	9%	35	19%	40	17%
THREATENED WITH EVICTION	0	0%	6	3%	6	3%
TEMPORARILY MOVED OR WAS DISPLACED	1	1%	13	7%	14	6%
REDUCTION OF TOTAL NUMBER OF HOUSEMATES	5	10%	15	8%	20	8%
OTHER, PLEASE SPECIFY	6	13%	15	8%	21	9%
TOTALS	63	120%	244	130%	307	128%

Question 43b. If yes, have you received any of the following related to COVID?

RENT RELIEF OR OTHER FINANCIAL ASSISTANCE	21	41%	52	28%	73	31%
ADVICE OR GUIDANCE REGARDING TENANTS' RIGHTS	5	10%	22	12%	27	11%
REPRESENTATION OR GUIDANCE FROM A LEGAL ASSISTANCE	1	2%	4	2%	5	2%
OTHER, PLEASE SPECIFY	6	13%	11	6%	17	7%
TOTALS	34	66%	88	48%	123	52%

Question 44. Please indicate if you are concerned about any of the following impacting your housing or the habitability of your unit.

DANGER OF WILDFIRE OR WILDFIRE SMOKE	55	31%	184	26%	239	27%
FLOODING	15	8%	99	14%	114	13%
EARTHQUAKES AND EARTHQUAKE	120	67%	404	56%	525	58%
HEAT WAVES	54	30%	207	29%	261	29%
LOSS OF ELECTRICITY DUE TO POWER	96	54%	340	47%	436	49%
OTHER, PLEASE SPECIFY	30	17%	64	9%	94	11%
TOTALS	370	207%	1299	181%	1669	186%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 45. Including yourself, how many adults in your household are currently doing each of the following?

WORKING FULL TIME	100	40%	533	33%	633	34%
WORKING PART TIME	37	14%	257	16%	293	16%
FULL-TIME STUDENT	13	5%	585	36%	598	32%
PART-TIME STUDENT	4	2%	70	4%	74	4%
UNEMPLOYED, LOOKING FOR WORK	14	5%	70	4%	84	4%
RETIRED	65	26%	31	2%	96	5%
HOMEMAKER	10	4%	28	2%	38	2%
OTHER, PLEASE SPECIFY	11	4%	45	3%	55	3%
TOTALS	253	100%	1618	100%	1871	100%

Question 46. Is any adult in your household, including yourself a student?

YES	17	10%	380	54%	397	45%
NO	157	90%	327	46%	484	55%
DON'T KNOW	1	0%	2	0%	3	0%
TOTALS	175	100%	709	100%	884	100%

Question 46a. Including yourself, how many adults in your household are currently attending each of the following...

UNIVERSITY OF CALIFORNIA, BERKELEY	4	3%	646	86%	650	85%
BERKELEY CITY COLLEGE	3	2%	27	4%	30	4%
ANOTHER SCHOOL IN BERKELEY	2	1%	23	3%	25	3%
A SCHOOL OUTSIDE OF BERKELEY	7	5%	42	6%	49	6%
OTHER	1	0%	11	1%	11	1%
TOTALS	17	12%	749	100%	766	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 47. What was the approximate total income for your entire household before taxes in 2021?

LESS THAN \$10,000	6	4%	84	12%	89	10%
\$10,000 TO \$19,999	15	9%	38	5%	52	6%
\$20,000 TO \$29,999	17	10%	30	4%	47	5%
\$30,000 TO \$39,999	13	8%	40	6%	53	6%
\$40,000 TO \$49,999	12	8%	38	5%	50	6%
\$50,000 TO \$59,999	9	6%	38	5%	47	5%
\$60,000 TO \$69,999	11	7%	46	7%	57	7%
\$70,000 TO \$79,999	17	10%	34	5%	50	6%
\$80,000 TO \$99,999	14	9%	56	8%	70	8%
\$100,000 TO \$149,999	18	11%	105	15%	124	14%
\$150,000 OR MORE	14	9%	85	12%	99	11%
DON'T KNOW	17	11%	111	16%	128	15%
TOTALS	163	100%	703	100%	866	100%

Question 48. Including yourself, how many members of the household have the following ethnic background or heritage?

ASIAN/ASIAN AMERICAN OR PACIFIC	42	16%	516	34%	557	32%
BLACK/AFRICAN AMERICAN	20	8%	69	5%	89	5%
HISPANIC/LATINO/LATINX	35	13%	197	13%	233	13%
NATIVE AMERICAN/INDIGENOUS	4	2%	18	1%	22	1%
WHITE/CAUCASIAN	153	58%	640	43%	794	45%
WRITE YOUR OWN, PLEASE SPECIFY	8	3%	62	4%	69	4%
TOTALS	262	100%	1502	100%	1764	100%

Questions & Answers	Pre-2013 Tenants		2013 - 2022 Tenants		ALL TENANTS	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of All Respondents

Question 49. How do you describe your gender?

WOMAN	92	55%	366	55%	458	55%
MAN	74	44%	255	38%	330	40%
TRANS WOMAN	0	0%	2	0%	2	0%
TRANS MAN	0	0%	1	0%	1	0%
NON-BINARY	1	1%	39	6%	40	5%
WRITE YOUR OWN, PLEASE SPECIFY	1	0%	2	0%	3	0%
TOTALS	168	100%	666	100%	834	

Question 50. Which of the following best represents how you think of yourself?

GAY, QUEER, OR LESBIAN	13	8%	82	13%	95	12%
STRAIGHT	127	83%	455	74%	582	76%
BISEXUAL	9	6%	65	11%	74	10%
ASEXUAL	3	2%	11	2%	14	2%
DIFFERENT IDENTITY (SPECIFY)	1	1%	4	1%	5	1%
TOTALS	153	100%	617	100%	770	100%

Appendix B: Additional Cross-tabulations of Survey Responses

INCOME BY HOUSEHOLD SIZE—ALL TENANTS AND STUDENT/NON-STUDENT TENANTS

	Long-Term				Short-Term				All Tenants		
	<i>No. of People in Household</i>				<i>No. of People in Household</i>				<i>No. of People in Household</i>		
	1 Person	2 People	3 or more People	ALL Households	1 Person	2 People	3 or more People	ALL Households	1 Person	2 People	3 or more People
Income by Household before taxes in 2021											
Less than \$10,000	5	1	0	6	21	35	27	83	25	36	27
\$10,000 to \$19,999	14	1	0	15	12	11	11	34	26	11	11
\$20,000 to \$29,999	12	3	1	16	16	8	5	29	28	11	5
\$30,000 to \$39,999	8	4	1	13	15	19	5	39	22	23	5
\$40,000 to \$49,999	7	2	2	11	24	8	5	37	31	11	7
\$50,000 to \$59,999	7	1	1	9	22	13	2	37	29	14	4
\$60,000 to \$69,999	6	2	2	10	16	25	5	46	22	27	7
\$70,000 to \$79,999	12	2	1	15	16	13	5	34	28	16	6
\$80,000 to \$99,999	9	1	4	14	23	23	8	54	32	24	13
\$100,000 to \$149,999	7	7	4	18	29	52	23	104	36	59	27
\$150,000 or more	4	7	4	15	18	40	23	81	22	47	27
TOTALS	91	31	20	142	212	247	119	578	301	279	139

	Short-Term Student Households				Short-Term Non-Student				All Short-Term Tenants		
	<i>No. of People in Household</i>				<i>No. of People in Household</i>				<i>No. of People in Household</i>		
	1 Person	2 People	3 or more People	ALL Households	1 Person	2 People	3 or more People	ALL Households	1 Person	2 People	3 or more People
Income by Household before taxes in 2021											
Less than \$10,000	11	21	16	48	5	11	8	24	16	32	24
\$10,000 to \$19,999	7	2	7	16	4	6	4	14	11	8	11
\$20,000 to \$29,999	8	2	2	12	6	6	1	13	14	8	3
\$30,000 to \$39,999	5	5	0	10	10	15	4	29	15	20	4
\$40,000 to \$49,999	7	0	2	9	16	8	2	26	23	8	4
\$50,000 to \$59,999	2	6	0	8	18	7	2	27	20	13	2
\$60,000 to \$69,999	0	7	1	8	13	17	4	34	13	24	5
\$70,000 to \$79,999	2	4	0	6	12	8	5	25	14	12	5
\$80,000 to \$99,999	1	2	1	4	22	21	6	49	23	23	7
\$100,000 to \$149,999	4	0	8	12	25	51	15	91	29	51	23
\$150,000 or more	1	2	1	4	16	34	22	72	17	36	23
TOTALS	48	51	38	137	147	184	73	404	195	235	111

SELECTED DEMOGRAPHICS FOR NON-STUDENT HOUSEHOLDS (SHORT-TERM TENANTS)

Question & Possible Answers	Short-Term Non-Student Households		All Short-Term Households	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total

Question 25 --Rent Burden by percentage of household income

Up to 30%	180	45%	206	35%
31 to 40%	65	16%	84	14%
41% to 50%	42	11%	59	10%
Over 50%	115	28%	234	40%
TOTALS	402	100%	582	100%

MEDIAN Rent Burden	34%	32%
---------------------------	------------	------------

Question 33 --Including yourself, how many people live in this unit?

1 person	160	35%	218	34%
2 people	207	45%	274	42%
3 people	48	11%	84	13%
4 people	24	5%	45	7%
5 or more people	19	4%	25	4%
TOTALS	458	100%	646	100%

Question 34 --What type of household are you?

Person living alone	167	36%	234	35%
Couple without children	142	30%	149	23%
Couple with children	33	7%	35	5%
Single parent with children	23	5%	25	4%
Related adults other than parents/children	5	1%	11	2%
Unrelated adults other than couples	92	20%	201	30%
Other	4	1%	6	1%
TOTALS	466	100%	661	100%

Question & Possible Answers	Short-Term Non-Student Households		All Short-Term Households	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total

Question 35 --Including yourself, does a person with a chronic illness or disability live in your household?

YES	71	15%	89	14%
NO	393	85%	571	86%
TOTALS	464	100%	660	100%

Question 35A --If YES, does this disability substantially limit walking or climbing stairs?

YES	16	22%	17	19%
NO	56	78%	73	81%
TOTALS	72	100%	90	100%

Question 48 --Including yourself, how many members of your household have the following ethnic background or heritage?

Asian/AAPI	281	28%	516	34%
Black/African-American	47	5%	69	5%
Hispanic/Latinx	126	13%	197	13%
Native American	15	1%	18	1%
White/Caucasian	480	48%	640	43%
Others	54	5%	62	4%
TOTALS	1003	100%	1502	100%

Question 45 --Including yourself, how many adults in your household are currently doing each of the following?

Working full time	505	49%	533	33%
Working part time	151	15%	257	16%
Full-time student	145	14%	585	36%
Part-time student	69	7%	70	4%
Unemployed, looking for work	54	5%	70	4%
Retired	31	3%	31	2%
Homemaker	27	3%	28	2%
Others	39	4%	45	3%
TOTALS	1021	100%	1619	100%
	ALL TENANTS			

Question & Possible Answers	No or Don't know		Yes - big enough		Yes - Not big enough	
	No. of Responses	% of Group Total	No. of Responses	% of Group Total	No. of Responses	% of Group Total

Question 5 & 5A --Recycling containers & capacity by unit

1 to 4 units	3	42%	226	50%	62	24%
5 to 9 units	2	29%	126	28%	77	30%
10 or more units	2	29%	99	22%	120	46%
TOTALS	7	100%	451	100%	259	100%

Appendix C: Select Open-Ended Responses

COMMENTS

Landlord-Tenant Relations & Habitability
--

Our building was sold during the pandemic, and it wasn't communicated to us very well, verbal promises on updates to the building were made by our previous owner, and the new owners seem content on doing minimum in maintenance to the building. - we're often given short notices on changes to the building or property; a tenant complained about a tree in our parking area, and we received a notice maybe a few days before its removal, leaving little time for feedback from the rest of the residents. - finding a new rental is typically marginally better, just through anecdotal notes. Though we have issues without management, it seems like many others do as well. We end up staying because it's rent-controlled and moving wouldn't really be that much better.

Dealing with the landlord has been the most miserable part of renting in Berkeley. He doesn't care about tenant safety and tries to get out of making repairs or anything that might cost him money; when he is finally forced to make repairs, rather than hiring a licensed professional, he tries to do the job himself - with a staggering degree of incompetence that usually results in the problem getting worse. It is also frustrating how difficult it is to get anyone at the rent board to pick up the phone.

I feel like I have to constantly navigate things with my landlord. My rent is so cheap for Berkeley and he could be getting double the rent I am paying. So I tread lightly - sometimes fix things myself so as to not "rock the boat." I live upstairs and there are issues with both the front and back stairs that need fixing which he says he's going to do. There's always an excuse. He has put duct tape to hold the broken metal banister.

Our landlord is lovely, welcoming, responsive, and offers us a safe, clean, affordable, and updated space to live in. I was concerned when moving to the bay area that housing would be hard to secure, unaffordable, and a stressor, but that has not been my experience thus far.

Our landlord is very hands-off - so nothing related to safety ever gets checked - we keep on top of everything. The fire department (fire marshal maybe) has stopped by twice in ten years and checked our extinguishers. Both times they were very, very expired and/or non-existent. Both times they talked about writing up a report or a violation or something. Neither time did anything ever come of it. We contacted the landlord and he bought a new extinguisher for each unit - and I think he would do more if we asked. But not sure what the point of the fire marshal coming by was if there is no action taken.

Renting in Berkeley from my experience has been okay but many buildings need to be updated due to mold, rot, drainage(plumbing), seismic retrofits, and bugs (termites/ants). I have been living in my unit for a little over 10 years and my landlord has yet to replace a door/window or any plumbing that has caused mold/mildew. No matter how many times I have brought it up there has been no real fix just quick coverups which never last. Now that rain is frequenting the bay area these buildings cannot withstand the moist/wet environment and it will only get worse.

The current owner of my building has a professional property manager- which has been helpful. The management team has responded immediately to my concerns and fixed things I wasn't sure a landlord had any responsibility to fix. I am content with the relationship.

We are scared that our landlord can raise the rent and we will need to move out. Most other places in the area are more expensive for the same size, so we would likely need to move away from the east bay, change jobs and move closer to

family. Life in this area is too expensive and it is cheaper for my wife to take care of the kids than it is for her to work while the kids are in daycare.

We have had issues with getting our landlord to complete anything beyond minimal repairs. Our 1920s-built building has its original single-pane windows that leak and have rotting wood and mold. We have requested these be replaced, which was declined because they would "have to replace windows for all units." in addition to the lack of insulation that has led to heat bills between \$200-300 to keep an average heat of 65 during the day and 60 or below overnight, we have health concerns about the mold. They are otherwise responsive to basic maintenance requests so it is unclear what steps we should pursue next.

We had a rat infestation in the HVAC system, where rats would come up to the vents in the main apartment. The HVAC and basement were covered in urine and feces. The landlords were first informed of the problem in January 2019. After not taking action, the HVAC was effectively destroyed by September 2020. The HVAC was not replaced until December 2020. The rat nest and entry points were not addressed for another year, until November 2021. This is despite near constant communications from us to the landlords to do something about the problem. Similarly, our front gate lock was broken for 11 months. This included periods where the gate would not lock at all and the property was freely accessible to anyone. It also included periods where we could not open the gate and had to jump the fence regularly to access our unit. We were in contact with the landlords at least monthly over this time, but resolving the issue still took nearly a year.

I have lived here for 13 years, and the landlord has never once done a safety inspection. After I lived here for three years, I had a code inspection, and multiple violations were found and eventually fixed. I wish there were more effective ways to force landlords to keep their properties in good repair.

The tub/shower combination has no grab bars on any of the three walls of the tub/shower! We are in the 80-to-85-year bracket and need them! But they are safer for everyone. The second important safety issue is there is no gate under the building parking (8 parking spaces) and the building owner (premium properties to manage it) refuses to spend money to provide a gate, as more buildings have done. Cons. Have been broken into, the catalytic converter was rigged out of our car, and from time to time street people hang out and sleep, at times every night for a while, and they usually leave trash behind. So many houses, etc. Have fences and/or gates these days.

I would love to see some sort of program to retrofit old houses for earthquake safety. Our house was built in 1906, and the foundation is literally crumbling. Not to mention there are other structural elements that are in terrible shape. But it's 'out of sight - out of mind' for the landlord, and he has no real impetus to do any of the work. We can't even get him to paint the house, much less do foundation work.

I am in a very old building, so problems exist related to that. But current management/ownership seems determined to renovate and repair what needs it, albeit slowly---although maybe it's not so slow considering the extent of work needed. They always respond quickly to urgencies.

COMMENTS

Rent Board Services and Recommendations for Improvements
--

Rent Board Services

I appreciated the rent board's information about the problem (required 30-day notice of rent increase) that I consulted it about. We agreed on the legal requirements. The rent board member also counseled me about a real-world problem some tenants have encountered when they refused to pay an increased rent amount because of inadequate notice: a retaliatory landlord attempted to evict them together with the problem of proving the retaliation with enough evidence to persuade the judge in an eviction case that the landlord had brought to us in order to retaliate for the tenant's insistence on following the letter of the law. The rent board told me this so that I could make my decision based on as much information as possible. I very much appreciate the fullness with which the rent board counseled me.

I feel a tremendous sense of gratitude for rent control. I could not have survived without it. I came to Berkeley as an undergrad worked locally for 5 years between undergrad and grad school, and tried very hard to find an academic position. I only managed to get a good job at LBLN. I am so far behind financially. I am stocking all my money to catch up on my savings so that I will have something for my old age. I don't know what I would do without rent control.

I'm very grateful to have found my current apartment in 1983, and I am eternally grateful that my apartment is under Berkeley's rent control program. Many thanks for this wonderful program!!!

I've been through my 4th set of landlords so these questions can apply to the whole time that I have lived here or problems I have had with some landlords or not others so I don't know how to answer some of these questions. I'm older than the rent board. The rent board can call me up for any kind of clarification it needs.

I've rented for 50 years and have had to hassle with landlords for the past 40. The rent board made negotiations available and rules that gave me guidelines. I could not live in the bay area if it were not for rent control. Apartments in our building are not governed by rent ceilings in the beginning, and the rents are too high for most incomes. We have one family of five living in a studio.

I'm extremely grateful to live in Berkeley with rent control. As an artist, it's helped me thrive in an inspiring and accomplished community. I see other artists have to live in dull, isolated places and I feel lucky to be protected by rent control and a strong rent board. Thank you!

Rent control has saved us. We started paying rent in 2012 @ \$1200.00. Similar size studio apartments go for \$1800 to \$1900/mo, maybe more plus utilities. At the moment and for this past decade, this is all we could afford. Will likely move in a year or 2, away from the bay area & to Central Valley, SoCal, or out of state.

Rent control is a good and bad practice. People stay in their rentals for years because when they move out the price of a new rental skyrockets. At the same time, without rent control, our city would only be made up of people who have a high income (and in many ways that is already the case.)

So glad to have rent control! I believe it's an absolute necessity for the safety and security of housing

We are very lucky there is rent control, given the ongoing situation with housing costs.

There have been 3 owners of my building over the 30 years I've lived here. Without exception, they didn't do a single repair or upgrade without it being an issue of habitability. Many times, they would drag out the repairs. Anything you can do to make reporting easy would help. For instance, it feels like, over the years, there has been a drop in the number and size of mailings to tenants informing them of their rights and the service of the rent board. I appreciate that you're taking a survey now, and hope you can do more outreach.

In the past when I went to the rent board to find out information, they could not give me the proper info like they could not by law or they just did not know over several decades and times going to the rent board. So why have them? Berkeley taxpayers are paying taxes for a system that does not work correctly.

I don't know everything they provide. I used to attend the tenants' action project once a year if I didn't have any problems to see if there were any new developments that I would need to know about. I haven't done that with the rent board, I've gone to the rent board when I've had problems.

I am sure the rent board provides information, but it is not easily accessible to find out about senior housing, apartment conversions to condos, and homes for sale at low-income prices. I never seem to be able to find the information on housing I could move to that would be less of a hassle.

They are professionals, the best that money can buy. I have appreciated the affirmative manner and the service they give the community.

I'm realizing after taking this survey I don't have a clear idea about the existing services you offer but am now motivated to learn more. Thanks!

When I first moved in, I was vaguely aware of the work of the rent board. Through the various mailings, I have learned more. Fortunately, I haven't had issues with my landlord, but I like knowing that I can reach the rent board for information about my rights if needed. Keep informing us.

We appreciate the rent board and have used the services several times. Some rent board associates are much more knowledgeable and helpful than others. I've returned to the rent board several times for a situation to find someone more knowledgeable or enthusiastic to help.

The hearing officers of the rent board are not properly trained and do not follow their own rules.

The Berkeley rent stabilization board should receive more funding.

I wish more people knew what services the rental board can provide. When there was an issue evicting a tenant recently, everyone complained to the apartment management, but I don't think anyone thought to contact the rental board.

Recommendations for Improvements

Financial aid for single parents

I would appreciate more clarity on what departments I should contact if the Berkeley rent board informs me that a problem I'm experiencing is not their concern. Specifically, trash/garbage is a major problem (insufficient refuse containers), and erratic pickup. When I asked the rent board for advice, I was simply told they couldn't help but were not given information about whom to contact.

I would like to see bad actor landlords accountable, such as by being prevented from being landlords in the city and/ or a city department where tenants can file complaints/ access complaints from past tenants.

It would be nice if homeowners and renters had more community-building activities. Homeowners tend to think there is a class divide and this causes an unnecessary gap in community bonding, health, and safety. Besides, many renters have more education and cultural capital than homeowners which is ironic.

There should be a requirement to replace water pipes after a certain number of years. The landlord came by yesterday after I complained about low water pressure but they said that it's the result of mineral buildup in old pipes and that there's nothing can be done.

They should be easier to reach. When I tried to contact the BRB a few years ago they never returned my call and I couldn't reach anyone.

Tell me whether my rent will go up.

Rent-controlled apartment accessibility and knowledge.

Protection against increases in rent without increases in effort and value of the unit.

Need Berkeley rent board to make occasional visits to apartments on a random basis.

I would love to be able to meet people from the rent board in person again, like before COVID.

I would like to be allowed to phone the rent board. Do you want me to send you the email where they banned me from calling them?

I wish, for instance at my old apartment, that the rent board would somehow be able to interact with my landlord on my behalf.

Contacting the rent board is frustrating. They have limited hours and their housing counselors are sometimes unknowledgeable and unhelpful. Providing easier and more reliable access to the rent board and their counselors would help tenants.

Support to the parents' access to affordable housing.

Support for knowing your rights or emergency services when there is a safety issue.

Free legal services in case of a dispute. Mediation services for rental disagreement.

Much more robust ways to deal with noise issues, when we do not know the neighbors' names and do not want to risk retaliation. Carpeting was removed from upstairs neighbors and the property management company does not enforce the tenants' putting down carpets as required in the lease. The building manager does not seem to be around on weekends to stop parties in rooftop units and had not made it clear that loud parties after quiet hours are unacceptable.

I wish there was a public complaint database or some kind of way to warn tenant applicants of predatory landlords. For example, I believe women should be warned about their previous landlord before considering renting from him.

I wish landlords were required to paint the premises every 5 or 10 years without having the tenants move out.

I think just like lead, mold should be made a mandatory responsibility of the landlord. The landlord should present mold results from a 3rd party company to the rent board or city to prove there is no mold; and if there is, be responsible to fix within a 30-day window, providing accommodations to the tenant for themselves and belongings whilst the mold is getting repaired. Mold has a big impact on children and the elderly with breathing issues like asthma and COPD.

Help tenants get things fixed, updated, and inspected more often, thoroughly and proactively.

Greater enforcement of rental ordinances to keep landlords in check. Better methods to ensure that units are kept in safer conditions so that tenants like us do not feel intimidated asking our landlord to make repairs. During cold temperatures, insuring that landlords keep the heat on during the day.

Regular home inspections. Energy-saving home improvements like new windows

Recourse for problem landlords other than the right to move out. Move out to where?

Universal rental assistance to low-income residents

One unified website where all units for rent in Berkeley are mandated to be listed in the same place. They can be listed in other places too, and they can choose a tenant from wherever they want, but it would be amazing to not have offerors and lookers spread out over 4+ different sites/communities. That would be very helpful.

Protection and advocacy of tenants' privacy rights.

Grants for long-term residents

Assistance for tenants who have mental health issues.

Making it easier to get out of your lease.

Thank you for conducting this survey. It would be great if Berkeley tenants had more opportunities to voice their concerns and for their concerns to be addressed.

It would be helpful to make it easier to require remediation of toxic materials in houses

COMMENTS
City Services

Berkeley desperately needs to improve safety. Not just for serious crimes, but for minor infractions and a general sense of unsafety. For example, more than once a week I am woken up in the middle of the night due to a homeless person making noises on the street, or going through trash cans at 2-3 am. And passing by a homeless person that is clearly mentally unwell, or through piles of trash left on the street, is a daily occurrence. I'm all for increasing the number of public programs dedicated to solving this in an equitable and human way, including through rising taxes. But the current approach, which seems to be to turn a blind eye, makes me reconsider living at Berkeley very often.

Fix the roads... I've seen road surfaces in third-world countries! I should be retired but COB does not offer assistance to people over 65 with rent.

Good walkable neighborhood. I like living here. Street lighting still sucks. Trim the trees so that street lighting is optimized. Hire more police officers and increase patrols!!

I wish I could find affordable senior housing so that I can get off food stamps & SSI supplemental income. Also, I am sensitive to environmental toxins & the toxins wafting into my room from the neighbors makes me very sick... Headache, chest pain, sinus issues & coughing.

I wish the trash and mattresses everywhere in the downtown neighborhoods would be routinely picked up.

I would have liked the city inspector to have put more pressure on the landlord to fix the mold issue. The problem was never noted or solved because the inspector couldn't 'physically' see mold on the walls. Mold is not always 'visibly' present, it can be behind a wall or flooring that has water damage.

Parking is terrible. I work temporary at a company that doesn't provide me parking and I have to move my car every 2 hours during my work hours so I don't get a ticket.

Rental ordinances are not well-enforced and our current landlord takes advantage of that by not updating tenancy information which impacts how much he can pass on building maintenance costs. Landlord also does not adhere to rules regarding noticing tenants for rent increases, unit access, power/water shut-offs, etc. Plus, when tenants have moved out, he takes photos of the occupied unit, including personal belongings, before they vacate which should be a privacy intrusion.

The city is too intrusive. They are constantly doing tree work, paving streets, and fixing sewers. PG&E, Comcast, Sonic, etc. are constantly fussing with their equipment. Plans to build large apartment buildings nearby are made and remade. Eventually, this neighborhood will be wrecked with no consideration for the present tenants and owners.

The construction (next door) starts its construction too early in the morning. For the last 6 months, the sounds and dust and dirt which starts at 7 am-5 pm, 6 days a week have caused tremendous agony for me and my neighbors!!!

Yes! The city needs to provide yearly inspections for each rental property and have clear standards in place regarding the shape in which rental units are to be kept by the landlord. The current standards are much too low and only require that the unit be barely functional. We all deserve a nice place to live for an affordable amount.

When I had a problem with an illegally installed dangerous heater, I spoke to someone who was incredibly helpful and informative and I was able to file documents and have a hearing that was fair and helpful. However, when I was getting Ellis Act no-fault evicted half a year later, I had trouble getting clear information from newer employees. They kept saying, "That's a legal question we can't answer" when it wasn't. I just needed links to the website for the information about Berkeley law, not the application of it.

Up-to-date registry of all rental units in the city, available to everyone - not just landlords. I should be able to figure out how old my unit is, whether it is rent controlled, and if the landlord has a bad record of compliance all in one website.

Unless you already have this, if tenants are offered to purchase and the tenants want to buy that there is a first-time low-income opportunity that city of Berkeley can assist, as well as possibly turn the building (3 units) into a cooperative purchase and offer training plus resources to successfully navigate and manage this sort of structure.

The one time I fell behind in my rent during COVID, an agency in Berkeley helped me to get up to date. I am very happy to be living in Berkeley.

Provide unexpected visits to apartments/shared housing buildings to determine their overall health and enforce property owners to fix (not cover up) items within 60-90 days.

Proper intake of community feedback and questions including projects by nearby churches to provide aid to the homeless. There was a community forum but the website was broken and the agent contact listed never responded

Probably devising a means of actually requiring that all landlords present proof they've actually inspected their rental units on an annual basis. With a copy of any document affirming that's been done sent to tenants.

Preparation and education on the tenant's first right of refusal to purchase the property if it ever goes up for sale. I would want to be prepared to jump on the opportunity if I ever could, but I feel I would probably have a very short window to do so and would not be able to pull it off. I would love for my neighbors and me to own this building.

Please help stop AAPI hate especially toward women.

Our PG&E is insanely high. They do nothing to help understand why. If you had a service to do an energy audit, that would be helpful.

More subsidies to upgrade older homes to be more habitable such as better windows, better appliances, etc. Landlords currently have zero incentive to improve homes that are more than or near 100 years old & have outdated features.

More street EV charging so apartment renters or anyone without access to a driveway/garage can charge electric vehicles more easily--there are no public chargers within .5 miles of our home so it would not be feasible to regularly charge and either have to wait or walk that far to the car.

More information for landlords to know what they should be doing, and what the law requires of them. More resources for Berkeley renters to get information online. Like an app or something.

More financial aid and aid in general to students.

Maybe infographics or low-effort summary pages, if there aren't many yet.

Maybe a "consultation" with someone, who can ask certain questions (like those in the questionnaire). Then, they can give us advice on how to address or follow up on stuff we might not know we can get help on or we've been "in the right" about.

Make it mandatory to have basic utilities like laundry service.

Lead testing and home inspections for lead exposure proactively.

Keep the kids in the closest school to their zip code. Not do the lottery, so parents don't have to drive like lunatics to deliver the kids to school.

Information and explanation of rent increase limits and new laws that affect percentage of increase. (or any new laws that affect tenants).

Info about neighborhood safety programs like neighborhood watch and whatnot might be interesting

I wish there was an easy place to find listings of BMR rentals in Berkeley. The website isn't super easy or clear to navigate. Also feel like there isn't much available. Would also love if the city had listings for BMR housing for people that qualify. As the years go by, it's looking less and less likely we'll be homeowners, esp. in my hometown of Berkeley.

I wish the city of Berkeley could provide a rent differential for people, especially students at the university. 70-90% of my paycheck per month goes straight to rent.

I guess giving tenants at least a year to find new housing if the owner sells the building. Having a lot more housing (apartments & homes) would also be nice but that's a pipe dream. Also, neither of us owns a car or drives, so transportation is a major issue when looking for somewhere else to live and mass transit has become increasingly limited over the decades.

How to enter the vegetable gardens and community civic programs.

Guidance on structural safety with older soft story units.

Free annual garbage pickup that's available to homeowners but not tenants.

Enforcement of second-hand pot smoke.

Encourage more housing. Rent control is great, but it's just a temporary fix to the problem created by lack of housing.

City of Berkeley to purchase people's park, so UC Berkeley can move on using the funding provided for student housing.

Bulky waste pickups for tenants living in buildings with more than four units.

Better/clearer/more detailed recycling instructions/guidance covering more materials.

An app for your phone would be nice, maybe some nice UC Berkeley student(s) could design one with the oversight of an instructor? Some tenants here rely on phones and public/college libraries for internet access but have smartphones.

A way for people to report rental discrimination and a way to compare rents throughout Berkeley.

A public record of reviews of landlords, or public record of bad faith evictions and buyouts by landlords-- complaints that are reviewed and verified by rent board staff that came from actual tenants of the unit. I wish there were more

consequences for rich multi-property landlords trying to use bad-faith tactics (fraud, threat, etc.) to get rid of tenants in rent-controlled units.

A low-powered FM radio station and tv for community organizing and disaster preparedness and social exchange.

Subsidies for single parents and/or parents of children with health needs for which a lot of income is spent on.

The below-market-rate program is woefully inadequate at addressing the needs of housing the working and middle class in this city, and it's farcical that it is partially administered by the very large developer/landlord interests that stand to gain from its mismanagement. Please push for robust, quality public housing with proper oversight.

Tenants in my small building are completely overlooked for permit parking (San Pablo at Dwight). We've lost street parking due to new construction, and have minimal parking opportunities in the building's lot (four spots for six units, plus the restaurant management staff helps themselves). Existing tenants of modestly priced housing need your help.

Please do something about low-income senior housing.

Oakland, where I have also lived, has some regulations protecting tenants that Berkeley should consider adopting.

Need to legalize building 3-4 story apartments everywhere in Berkeley to raise supply and lower housing costs

My building only has DSL, which is quite slow for remote work (which was legally imposed for some time). It seems to me the city should require a higher standard of internet service providers per building. We only have one choice, and I am unsure why Comcast does not wire our building.

If the city runs some rental business, the city may polish the skill of handling the service.

If the city is going to offer housing for the homeless (which I'm all for) they must be able to control the people that avail themselves of those services. They should not place their problems on the prior residents of that area. More policing - place mentally unstable persons in a facility that can meet those needs not bring them into a neighborhood and let whatever happens, happen.

I've been very concerned about large bright floodlights added to areas. This creates vision problems for me, the high glare and contrast, as well as adding to light pollution. Guidance of achieving safety goals without causing harm is needed.

Also, the city should consider people living in their cars "tenants" and stop trying to evict them.

Appendix D: Survey Instrument

A graphic for the Berkeley Tenants Survey. It features a dark grey background with a white and red abstract shape on the left. The text is centered in white. At the top, 'CITY OF' is written in a small, sans-serif font. Below it, 'Berkeley Tenants Survey' is written in a large, white, cursive font. Underneath that, the text 'A way to make YOUR voice heard is here!' is displayed in a sans-serif font, with 'YOUR' underlined. At the bottom, 'Rent Stabilization Board' is written in a smaller sans-serif font. On the right side, the word 'BERKELEY' is written vertically in a large, bold, white, sans-serif font.

CITY OF

Berkeley Tenants Survey

A way to make YOUR voice heard is here!

Rent Stabilization Board

BERKELEY

About This Survey

The City of Berkeley invites you to participate in the 2022 Berkeley Tenants Survey. In order to assess the needs of renters in the City of Berkeley, the Social Science Research Center (SSRC) at California State University, Fullerton is conducting a survey of Berkeley tenants on behalf of the City of Berkeley Rent Stabilization Board. The survey results will help us identify opportunities for improvement. You can receive a \$5 Peet's Coffee or Amazon gift card for participating in the survey.

Please complete the survey and return it using the instructions at the end of this booklet. A few days after receiving the survey, you will receive a courtesy reminder call from SSRC.

We have also included a QR code and link below should you prefer to complete the survey online. Please use the code provided to access the survey.

CODE: «External_Data_Reference»

WEBSITE: BerkeleyRenterSurvey.com



Human Research Protections

Cal State Fullerton appoints a committee to protect the rights and welfare of individuals who participate in research activities. The following language serves to provide you with your rights as a participant in the 2022 Berkeley Tenants Survey.

This study involves no more than minimal risk, and there are no known harms or discomforts associated with this research study beyond those encountered in daily life. This study is completely voluntary, and you are free to decline to answer any survey question, to decline to participate entirely or stop participating at any time.

Your identity and your responses will remain completely confidential to the extent permitted by the law. Only research staff at the SSRC will have access to the data collected in this survey. The results of this study will be reported in the aggregate: no individual's responses will be identifiable. SSRC staff have no financial interest in the results of this study, and the research is being done solely for assessment purposes. Lastly, your responses will NOT impact your housing status, your ability to receive services, or your chances of getting housing in the future.

Complete this survey and return using the pre-paid postage included on the back of this booklet.

Please feel free to contact Laura Gil-Trejo at (657) 278-7691 or lgil-trejo@fullerton.edu if you have any questions or would like to verify the authenticity of this study. If you have any questions about your rights as a research participant, you may contact California State University, Fullerton Institutional Review Board (IRB) at (657) 278-7719 and provide the following code: HSR-22-23-119.


Note that, one survey per residence should be completed by either the head of household or any adult 18 years and older. The survey will take approximately 10 - 15 minutes and it is important to know that there are no right or wrong answers.

Thank you in advance for your time!

Do you receive monthly rental assistance from the Berkeley Housing Authority, the City, or the Federal government?

Yes

No



IF YOU RECEIVE MONTHLY RENTAL ASSISTANCE FROM THE BERKELEY HOUSING AUTHORITY, THIS CONCLUDES THE SURVEY. PLEASE RETURN THIS BOOKLET USING PRE-PAID POSTAGE AT THE END OF THIS SURVEY. WE WILL USE THIS INFORMATION TO TAKE YOU OFF OUR LIST AND YOU WILL NOT RECEIVE ADDITIONAL REQUESTS TO COMPLETE THE SURVEY

Is the place where you live rent controlled? (CIRCLE ONE)

Yes

No

Don't Know

Don't Pay Rent



IF YOU DO NOT PAY RENT, THIS CONCLUDES THE SURVEY. PLEASE RETURN THIS BOOKLET USING PRE-PAID POSTAGE AT END OF THIS SURVEY. WE WILL USE THIS INFORMATION TO TAKE YOU OFF OUR LIST AND YOU WILL NOT RECEIVE ADDITIONAL REQUESTS TO COMPLETE THE SURVEY.

(CONTINUE TO NEXT PAGE)

We want to learn about the physical condition of rental housing units in Berkeley and how well they are maintained.

1. How would you rate the overall condition of your housing unit?

Excellent Good Fair Poor

2. Since you moved in, is the condition of your housing unit?

Better Same Worse

3. In the last year, have the smoke detectors been checked to make sure they work?

Yes No No Smoke Detectors Don't Know

4. In the last year, have the carbon monoxide detectors been checked to make sure they work?

Yes No No Carbon Monoxide Detectors Don't Know

5. Does your building have recycling containers that are accessible to the tenants?

Yes No Don't Know

5A. If your building has recycling containers that are accessible to tenants, are they big enough or do they often get filled to overflowing?

Big Enough

Often Get Filled To Overflowing

6. Does your building have compost (green bin) containers that are accessible to the tenants?

Yes

No

Don't Know

7. In the last year, has the landlord or manager inspected your rental unit to see if there are any problems that need fixing?

Yes

No

Don't Know

8. In the last year, has the landlord or manager given you a safety checklist?

Yes

No

Don't Know

8A. If you selected "Yes", did the landlord certify that your rental unit was in good condition with no safety problems?

Yes

No

Don't Know

**9. Are there problems within your building with any of the following:
CIRCLE YES OR NO FOR EACH ITEM.**

Heat	Yes <input type="radio"/>	No <input type="radio"/>	Don't Know <input type="radio"/>
Plumbing	Yes <input type="radio"/>	No <input type="radio"/>	Don't Know <input type="radio"/>
Doors/ Windows	Yes <input type="radio"/>	No <input type="radio"/>	Don't Know <input type="radio"/>
Roof	Yes <input type="radio"/>	No <input type="radio"/>	Don't Know <input type="radio"/>
Stairs/ Porch	Yes <input type="radio"/>	No <input type="radio"/>	Don't Know <input type="radio"/>
Elevator	Yes <input type="radio"/>	No <input type="radio"/>	Don't Know <input type="radio"/>
Security	Yes <input type="radio"/>	No <input type="radio"/>	Don't Know <input type="radio"/>
Exterior Lighting	Yes <input type="radio"/>	No <input type="radio"/>	Don't Know <input type="radio"/>
Secure Mailboxes	Yes <input type="radio"/>	No <input type="radio"/>	Don't Know <input type="radio"/>
Paint	Yes <input type="radio"/>	No <input type="radio"/>	Don't Know <input type="radio"/>
Appliances	Yes <input type="radio"/>	No <input type="radio"/>	Don't Know <input type="radio"/>
Mold	Yes <input type="radio"/>	No <input type="radio"/>	Don't Know <input type="radio"/>
Insects/ Bed Bugs	Yes <input type="radio"/>	No <input type="radio"/>	Don't Know <input type="radio"/>
Rats/ Mice	Yes <input type="radio"/>	No <input type="radio"/>	Don't Know <input type="radio"/>

9. Are there problems within your building with any of the following: CIRCLE YES OR NO FOR EACH ITEM

	Yes	No	Don't Know
Construction Noise	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other Tenants	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other Problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

9A. If you selected "Yes" to "Other Problems," please provide a detailed description of the problem(s) in the lines provided below.

10. Do you have an elevator in your building?

Yes No Don't Know

10A. If you have an elevator, how often is your elevator out of service?

Never Rarely Sometimes Often Always

10B. If you have an elevator, how long does it take your landlord or manager to fix it?

- Less than 30 days
- More than 30 days
- Don't Know

We also want to know whether you have had contact with government agencies that work to help tenants.

11. Other than this survey, have you received mailings from the Berkeley Rent Board?

- Yes
- No
- Don't Know

12. Have you or anyone in your household ever contacted the Berkeley Rent Board for free information or assistance?

- Yes
- No
- Don't Know

**12A. If you or anyone in your household ever contacted the Berkeley Rent Board for free information or assistance, what was the reason for your contact with the Rent Board?
FILL ALL THAT APPLY.**

- A proposed rent increase (the Lawful Rent Ceiling)
- Getting something fixed in the building
- Getting back a security deposit or interest on a security deposit.
- Loss of services such as parking or storage
- Landlord asked that I/we move out
- Eviction notice
- Other reason

If you selected “Other reason,” please provide a detailed description of the reason(s) for your contact with the Rent Board in the lines provided below.

12B. If you or anyone in your household has ever contacted the Berkeley Rent Board for free information or assistance, was the Berkeley Rent Board staff...

- | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|
| Very Helpful | Somewhat Helpful | Not Helpful | Don't Know |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

13. If you wanted to contact Rent Board staff, how would you prefer to reach them? FILL ALL THAT APPLY

- Phone call
- Computer appointments such as Zoom, Microsoft Teams, or Google Chat
- E-mail
- In-Person Visit
- Other

If you selected "Other," specify here: _____

14. Are you aware of the City of Berkeley's Rental Housing Safety Program (also known as housing code enforcement)?

- Yes No

15. Have you or anyone in your household ever contacted the City of Berkeley's Rental Housing Safety Program for information or assistance or to request an inspection with a problem that needed fixing?

- Yes No Don't Know

15A. If you selected "Yes", was the City of Berkeley's housing inspection staff:

- Very Helpful Somewhat Helpful Not Helpful Don't Know

16. What month and year did you move into this rental unit?

Month

Year

17. If someone else in your household moved in earlier than you, what year did they move in?

Year

18. How did you find this rental unit? SELECT ONE.

- From a tenant or former tenant in the building
- Knowing the landlord
- Other word of mouth
- Craigslist, Facebook Marketplace, Cal Rentals or Other Website
- University housing services
- Newspaper ad
- Visited a rental agency
- Other

If you selected "Other," specify here: _____

19. Where did you live just before moving into this rental unit? SELECT ONE.

- Berkeley
- Other East Bay
- Other City in California, Specify City: _____
- Other State in the U.S., Specify State: _____
- International

20. What kind of housing unit do you rent? SELECT ONE.

- House (Duplex/ Triplex)
- Apartment
- Room
(a house with five or more rooms under separate leases)

Other, please describe _____

21. How many units are in your building?

Number of Units

Don't Know

22. How many bedrooms are in your rental unit?

(A studio has zero bedrooms)

Number of Bedrooms

23. How many bathrooms are in your rental unit? (A bathroom with just a sink and toilet is half a bathroom or 0.5)

Number of Bathrooms

24. How many other separate rooms are in your rental unit? (Separate rooms include living rooms, dining rooms, etc.)

Number of Other Rooms

25. What is the total monthly rent for your rental unit? (Not including any additional charges such as parking)

\$, . Monthly Rent

26. On average, how much does your household pay every month for gas and electricity?
(If you do not pay for this item, please put a 0)

\$. Monthly Gas and Electricity

Don't Know

27. On average, how much does your household pay quarterly (every three months) for water and sewer?
(If you do not pay for this item, please put a 0)

\$. Water and Sewer

Don't Know

28. Compared with the current market rent on similar rental units in this neighborhood, the rent I am paying is:

Much lower

Somewhat lower

About the same

Higher

Don't Know

29. Do you expect to stay where you are or move in the next few years?

Move in one or two years

Move in three or four years

Move in five years

Stay more than five years

Don't Know

30. Do you expect to own your own home within the next ten years?

Yes

No

Don't Know

31. If the building you live in was put up for sale by the owner, would you be interested in joining with other residents to purchase it?

Yes

No

32. If the landlord told you that you had to move out in 60 days, which would you be most likely to do first? SELECT ONE

- I would start looking for another place to live
- I would look into whether I have a right to stay
- I would seek advice and guidance from the Berkeley Rent Board
- I would seek other free legal advice and guidance
- I would pay for legal advice or guidance

One of the main reasons for doing this study is to get information about people who are renters in Berkeley and what their housing needs are. This next group of questions asks about you and your household.

33. Including yourself, how many people live in this unit?

Number of People

34. What type of household are you? SELECT ONE.

- Person living alone
- Couple without children
- Couple with children
- Single parent with children
- Related adults other than parents and children

- Unrelated adults other than couples
- Other, please explain: _____

35. Including yourself, does a person with a chronic illness or disability live in your household?

- Yes No

35A. If yes, does this disability substantially limit walking or climbing stairs?

- Yes No

36. Does your building have an automatic door opener at the ground level?

- Yes No

37. Does your unit have a wheel-chair accessible shower?

- Yes No

38. Including yourself, how many people in your household are in each of the following age categories?
(Write the number of people in each box. If none, write 0).

Under 5 years old

35 to 54

5 to 17

55 to 64

18 to 24

65 and over

25 to 34

39. Are you or anyone you know involved with a neighborhood disaster preparedness or neighborhood crime watch group?

- Yes, a disaster preparedness
- Yes, crime watch
- Yes, disaster preparedness and crime watch
- No

We want to ask some questions about your landlord or building manager.

40. In the last year, have you or anyone in your household complained to the landlord or building manager about any problems in your building?

- Yes No Don't Know

40A. If yes, someone complained, how soon did the landlord or manager respond?

- Responded quickly
- Responded after repeated complaints
- Don't Know

40B. If yes, someone complained, what did the landlord or manager do?

- Fixed the problem entirely
- Fixed part of the problem
- Did not fix the problem
- Don't Know

40C. If yes, manager fixed the problem entirely or partially, how long did it take them to do so?

Less than 30 days

More than 30 days

Don't Know

41. Have you or anybody in your household ever had a disagreement with your current landlord or manager about something?

Yes

No

Don't Know

41A. If yes, what was the nature of the disagreement between you and your current landlord or manager? FILL ALL THAT APPLY

Maintenance/ Repairs

Rent

Security or safety

Parking

Being told to move

Another tenant

Something else, please describe: _____

41B. If yes, you had a disagreement with your landlord, did you contact any of the following for advice or assistance? FILL ALL THAT APPLY

Family member or friend

Other tenants

Lawyer/ legal assistance

Berkeley Rent Board

- City inspector
- Student group
- Community group
- Church/ religious group
- No-one
- Other, please specify: _____

42. During your time in Berkeley, has your landlord ever offered you money to move out?

- Yes No Don't Know

42A. If you did receive a buyout offer, did you accept it?

- Yes No

42B. If you accepted it, how much was the offer?

\$, . Amount of Offer

Finally, we would like to ask some questions about COVID, climate change, and natural disasters.

43. Has your household experienced any financial hardships due to impacts related to COVID?

- Yes No Don't Know

43A. If yes, please indicate below. FILL ALL THAT APPLY

- Loss of job or income due to COVID
- Falling behind on rent
- Threatened with eviction
- Temporarily moved or was displaced due to a housemate having COVID
- Reduction of total number of housemates due to COVID

Other, please describe: _____

**43B. If yes, have you received any of the following related to COVID.
FILL ALL THAT APPLY**

Rent relief or other financial assistance from the government or non-profit organization

Advice or guidance regarding tenants rights and/or eviction protections

Representation or guidance from a legal assistance organization

Other, please describe: _____

44. Please indicate if you are concerned about any of the following impacting your housing or the habitability of your unit. FILL ALL THAT APPLY

Danger of wildfire or wildfire smoke

Flooding

Earthquakes and earthquake safety of the building

Heat waves

Loss of electricity due to power outages

Other, please specify: _____

**45. Including yourself, how many adults in your household are currently doing each of the following?
(More than one category may apply for each person.)**

Working Full Time

Working Part Time

Full-Time Student

Part-Time Student

Unemployed, Looking for Work

Retired

Homemaker

Other, please specify: _____

46. Is any adult in your household, including yourself a student?

Yes

No

Don't Know

46A. If yes, including yourself, how many adults in your household are currently attending each of the following:

University of California, Berkeley

Berkeley City College

Another school in Berkeley

A school outside of Berkeley

Other

47. What was the approximate total income for your entire household before taxes in 2021? SELECT ONE.

Less than \$10,000

\$10,000 to \$19,999

\$20,000 to \$29,999

\$30,000 to \$39,999

\$40,000 to \$49,999

\$50,000 to \$59,999

\$60,000 to \$69,999

\$70,000 to \$79,999

\$80,000 to \$99,999

\$100,000 to \$149,999

\$150,000 or more

Don't Know

48. Including yourself, how many members of your household have the following ethnic background or heritage?

(One person may have more than one ethnic background. Write the number of people in each category in the box next to it. If none, write 0).

Asian/ AAPI

Black/ African American

Hispanic/ Latino/ Latinx

Native American/ Indigenous

White/ Caucasian

Write your own, please specify: _____

Decline to state

49. Do you describe your gender?

Woman

Man

Trans Woman

Trans Man

Non-Binary

Write your own, specify _____

Decline to state

50. Which of the following best represents how you think of yourself?

Gay, Queer or Lesbian

Straight

Bisexual

Asexual

Different identity, specify _____

Decline to state

This page right blank intentionally

Final Comments

51. Is there anything more you would like to tell us about your experience renting a place to live in Berkeley?

52. Are there any additional services you wish that the City of Berkeley or the Berkeley Rent Board would provide to tenants?

53. Is there anything else you would like to add?

This concludes our survey. In order to receive your \$5 Amazon or Peets gift card, please state which card you prefer and provide your contact information.

I would like to receive:

- Amazon Gift Card
- Peet's Gift Card
- Do not want gift Card

If you selected Amazon Gift Card, please provide your address to receive your gift card below.

Email Address: _____

If you selected Peet's Gift Card, please provide your address to receive your gift card below.

Name: _____

Address: _____

City, State, Zip: _____

Thank you very much for contributing to our study. The results of the Survey will be posted on the Berkeley Rent Board Website in early 2023.

Appendix E: Considerations for Future Survey Administrations

To ensure the successful completion of the next Berkeley Rent Stabilization Board Survey of Tenants of Registered Rental Units, lessons learned from the 2022 survey should inform its implementation. Based on its experience conducting the 2022 Berkeley Rent Stabilization Board Survey, the following recommendations are being made.

- Avoid conducting the tenant survey during an election season or the holidays as this suppresses response rate.
- Consider administering a larger incentive, \$10 being the minimum.
- Approximately 29.6% of Berkeley’s population speaks a language other than English in the home, and approximately 21.0% is Asian. To increase generalizability, the Berkeley Rent Board should have the survey instrument translated into Chinese.
- In order to make comparisons with the 2009 tenant survey, the definition of “student household” was consistent with what was used in 2009. However, that definition excluded households in which not everyone in the household was a full-time student, or those in which only part-time students were present. The Rent Board should reflect on this definition of student household and decide whether it should be changed for future reports.
- In one case, a respondent contacted the SSRC to express her frustration that she had not been randomly selected to take part in the study. She asked if there was any way the Rent Board could make a version of the survey that was open to the public. To the extent that the staff at the Rent Board experienced the same type of feedback, it may be important to include a “convenience sample” component to the study to promote inclusivity in the community. Adding a convenience sample to a random sample will complicate the design of the study: special care should be taken not to compromise the integrity of the random sample when introducing a convenience sample to the study.
- Because of the lower response rate being experienced throughout the industry, a larger number of addresses should be sampled than was originally planned for in the design of the current study. This should be considered when planning the budget for the next iteration of the tenant survey.
- While the lower response rate observed among students may have resulted from the time of year the study was conducted, it is also possible that the student population is decreasing among rent-stabilized tenancies or that students as a sub-population respond to surveys at a lower rate than the general population. Future surveys of those residing in rent-stabilized units may consider oversampling students to ensure adequate representation.



Public Interest Advocates

1107 9th Street, Suite 601
Sacramento, CA 95814

To: Commissioners, Berkeley Rent Stabilization Board
DéSeana Williams, Executive Director
Matthew Brown, General Counsel

From: Brian Augusta, Legislative Advocate

Date: September 15, 2023

Re: State Legislative Report for the September 2023 Board Meeting

Late this past Thursday night, the Legislature wrapped up the first year of the 2023-2024 session. When we reported to you in April at the beginning of the session, we noted a record number of bills had been introduced including dozens of measures relating to tenants’ rights, affordable housing and homelessness. Today, with the session completed, only a handful of those bills will make it to the Governor’s desk. Most others have been put on hold until next year or failed to pass committee or the floor. For those that made it to the Governor, he will now have until October 14th to sign or veto the measures.

The most closely watched tenant bill this year that made it to the finish line is **SB 567 (Durazo)**, which makes several changes to the Tenant Protection Act, AB 1482 from 2019. SB 567 seeks to narrow loopholes in the owner-move-in and substantial remodel just cause provisions, as well as expand public and private enforcement. The author took a number of amendments along the way, narrowing the once-ambitious bill to a more modest set of improvements on existing law. A final set of amendments agreed to last Monday removed the opposition of the California Apartment Association, easing the bill’s path on the Assembly floor. During my presentation before the board, I will detail the changes to the law made by SB 567, including recent amendments to the bill.

With respect to bills impacting local rent stabilization policies, **SB 466 (Wahab)**, originally proposed to amend the Costa-Hawkins Rental Housing Act to alter both the new construction exemption and the exemption for single-family homes and condos. As it moved to the Senate floor last spring the bill was narrowed to a proposal to establish a 28-year rolling new construction date, leaving the single-family homes and condos provisions untouched. For jurisdictions such as Berkeley with an older new construction date that was set locally, the bill would have allowed those jurisdictions to move their new construction date up by 2 years every year until it reaches 1995, at which time they would be permitted to increase the date by one year each year, thus creating a 28-year rolling new construction

date. However, with strong opposition from the California Apartment Association, the Realtors and other landlord groups, the bill was voted down on the Senate floor, receiving only 15 of the required 21 votes needed for passage. The bill was granted reconsideration, meaning it could have another vote on the Senate floor in January, but typically such bills are not brought up again.

AB 1620 (Zbur) would also modify Costa-Hawkins to allow local rent stabilization jurisdictions to mandate that a landlord allow a tenant seeking an accommodation for a disability related to mobility to move to an available first floor unit that is the same size or smaller, and maintain the same rental rate and lease terms as their current unit under certain specified conditions. That bill passed both houses and is headed to the Governor.

Below are the remaining bills we have been tracking this year and a summary of their outcomes.

Selected Bills of Interest

In the descriptions below, we include the status of each bill. If it is listed as “Held on Suspense” it was held on the suspense file of the Appropriations committee and can no longer move this session, although a similar bill could be reintroduced next year. Bills that are listed as 2-year bills in the same house where they were introduced have until the end of January to clear the floor of the first house. Other 2-year bills have until the end of next session to pass both houses.

Landlord-Tenant

AB 12 (Haney) – Security Deposit To the Governor

Current law limits the amount of security deposit that can be demanded at the outset of a tenancy to an amount equal to two months’ rent for an unfurnished unit and three-months’ rent for a furnished unit. This bill would limit the maximum security deposit to the equivalent of one month's rent in all cases, except where the landlord is a small landlord, as defined.

AB 485 (Davies) - Tenant Credit Report

2-year bill: Assembly

This bill would require a landlord to provide a prospective tenant with a copy of their credit report within 24 hours after receipt, if requested by the prospective tenant.

AB 500 (Davies) - Electronic rent increase notice.

2-year bill: Assembly

Allows landlords to notify tenants of rent increases electronically.

AB 846 (Bonta) - LIHTC Rent Cap

2-year bill: Assembly

This bill would place an annual cap on rent increases in Low-Income Housing Tax Credit properties.

AB 1317 (Wendy Carrillo) - Unbundling Parking Charges from Rent

To the Governor

This bill would require landlords in newly constructed units to charge tenants for the cost of parking separately from charges for rent and specifies that failure to pay the cost of parking cannot be the basis for an eviction action.

SB 267 (Eggman) - Use of Credit History for Tenants with Rental Subsidy

To the Governor

For any tenancy where there is a governmental rent subsidy, this bill would require that if the landlord assesses the tenant's credit history as part of the application process the landlord must allow the tenant the option of providing alternative evidence of their ability to pay the rent. If the tenant elects the alternative method, the landlord must use that evidence in lieu of the tenant's credit history.

SB 395 (Wahab) - Statewide eviction and rent increase database

Died: Held on Suspense

Beginning January 1, 2025 would require any notice of termination or rent increase to be filed with the Secretary of State within 10 days of being served on the tenant, and require the Secretary to establish a database to make the information publicly available by zip code.

SB 460 (Wahab) - Fair Chance Housing

2-year bill: Senate

This bill would prohibit a landlord from inquiring about a prospective tenant's criminal history, except as provided by criminal law, or use of the state's sex offender registry.

SB 594 (Durazo) - Corporate Transparency

Died: Held on Suspense

Would require LLCs and other corporate entities, including those that own and operate rental housing, to disclose the "beneficial owners" of the entity, including those who own more than 25% or exercise substantial control over the entity.

SB 712 (Portantino) - Storage of Micromobility Devices by Tenants

To the Governor

Provides that a landlord may not prohibit a tenant from owning a micromobility device, such as a bike or e-bike, and establishes the rules for storage of devices with motors.

SB 863 (Allen) - Tenant Protection Act

2-year bill: Senate

This bill would give tenants protected under the Tenant Protection Act at least 7 days to cure a lease violation prior to being served a 3-day notice to quit.

AB 1035 (Muratsuchi) - Limits on Rent Increases in Mobilehome Parks

2-year bill: Assembly

Under this bill that would apply statewide, mobilehome park space rent increases would be limited to 5% per year. Also, vacancy control would be put in place, unless a new mobilehome is placed on the space.

SB 352 (Padilla) - Minimum Wage to Afford Housing

Died: Held on Suspende

Requires the California Workforce Development Board, in conjunction with HCD and the state Secretary of Labor, to recommend to the Legislature each year the minimum wage for a full-time worker o afford housing in each county.

Fair Housing

AB 920 (Bryan) - Housing Status as a Protected Class

Died: Held on Suspende

This bill would add housing status as a protected class under the state Fair Employment & Housing Act (FEHA).

SB 16 (Smallwood-Cuevas) - Local Enforcement of FEHA

2-year bill: Assembly

This bill would allow cities and counties to enforce the state Fair Employment and Housing Act.

Housing Development Approvals

AB 1218 (Lowenthal) - Replacement Housing/Relocation Assistance Requirements

To the Governor

This bill would make changes to the existing framework requiring the replacement of certain housing units and relocation assistance for certain displaced occupants as a condition of approval of development projects.

AB 1532 (Haney) - By Right Approval for Office to Housing Conversions

2-year bill: Assembly

Requires by right approval for office to housing conversions anywhere, regardless of zoning, as long as the project includes 10% of units for low- or moderate-income households.

SB 4 (Wiener) - Affordable Housing By Right on Faith and University Land

To the Governor

This would make 100% affordable housing (for lower-income households) a use by right on land owned by faith institutions and private colleges and universities.

SB 423 (Wiener) - SB 35 Sunset Removal

To the Governor

This bill would extend the sunset on SB 35, which allows for streamlining of housing developments that include affordable units, and modifies the applicable labor standards.

Housing Finance

AB 309 (Lee) - Social Housing

To the Governor

This bill creates the Social Housing Program within the Department of General Services (DGS) and allows DGS to identify and develop up to three social housing projects on state-owned surplus land deemed suitable for housing.

AB 1657 (Wicks) - Affordable Housing Bond

2-year bill: Senate

Puts a bond of an unspecified amount on the November 2024 ballot to fund various affordable housing programs. A

SB 469 (Allen) - Article 34 Exemptions

To the Governor

Exempts all HCD funding programs and Low-Income Housing Tax Credit (LIHTC) projects from triggering Article 34.

SB 555 (Wahab) - Social Housing

To the Governor

This bill would define social housing in state law and require HCD to prepare a social housing plan for submission to the legislature by the end of 2026.

SB 567 (Durazo)

Summary

Prepared for the Berkeley Rent Board

September 21, 2023

Public Interest Advocates

Owner move-in:

- A. The termination notice must identify the name and relationship to the owner of each person who will be moving into the unit.
- B. The owner or relative must move into the unit within 90 days after termination of the tenancy and must live there for at least 12 months. If either of those conditions are not met, the tenant has a right to return to the unit at the prior rent and under the prior lease terms.
- C. The owner cannot use this provision if the intended occupant already occupies a unit on the property or if there is a vacant unit available.
- D. Defines an owner as a natural person who owns at least 25% interest in the property. There are several exceptions to this requirement.
 - i. Where the property is owned in a trust in which all of the owners are related (as defined) the owners of the trust can use owner move-in, even if they own less than a 25% interest.
 - ii. Where the property is owned by an LLC or Partnership, a natural person with at least a 25% interest in the property can use owner move-in.

Substantial Remodel

- A. Requires the owner to obtain the necessary permits and attach them to the termination notice.
- B. Requires the notice to state that if the owner does not carry out the repairs, any displaced tenant may return at the prior rent and under the prior lease terms.
- C. Current law defines substantial remodel to be those repairs that can't be performed with the tenant in place and require the tenant to vacate for at least 30 days. The bill clarifies that these must be 30 consecutive days and provides that on any day in which the tenant could live in the unit without violating health and safety standards, the tenant shall be entitled to live there.

Withdrawal

SB 567 does not make any changes to the requirements regarding withdrawal. All previous changes regarding withdrawal were removed from the bill.

Enforcement

- 1. Strict compliance:** Requires that any termination notice under the TPA must strictly comply with the Act. Any termination notice that does not is void and cannot support an eviction action.
- 2. Damages:** Provides that tenants can receive up to three times their actual damages, plus punitive damages, for any attempt to raise the rent in violation of the TPA or evict a tenant in material violation of the TPA. Authorizes a court to grant to a prevailing tenant their attorneys' fees and costs.
- 3. Government Enforcement:** Clarifies that state and local governments can bring an action for injunctive relief to enforce the just cause provisions of the TPA and may also seek damages in an action for violation of the rent cap provisions of the TPA.



Governor

- **Has until October 14 to act on this and other bills now on his desk.**



**RENT STABILIZATION BOARD
Regular Meeting**

Thursday, July 20, 2023 – 7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley

Teleconference location: 1001 16th Street NW, Washington, D.C. 20036

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/81315510979?pwd=LytGV2RZUDNrNVI4NHRJWkhHcVhSUT09>. 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: 813 1551 0979 and Passcode: 101882. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.

To submit a written communication for the Board's consideration and inclusion in the public record, please email amueller@cityofberkeley.info with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. **Email comments must be submitted to the email address above by 5:00 p.m. on the day of the 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, at (510) 981-7368 (981-RENT). The Rent Board 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

Regular Meeting

Thursday, July 20, 2023

7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley
Teleconference location: 1001 16th Street NW, Washington, D.C. 20036

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 pain from a recent accident, which requires an authorizing vote.

M/S/C (Johnson/Alpert) 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, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.*

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

- 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, Walker, Simon-Weisberg (via Zoom)
Staff present: Brown, Dahl, Eberhart, Ehlinger, Kim, Mueller, Williams
- 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 CHANGE: MOVE ACTION ITEM 9.b. TO CONSENT. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: Marrero; ABSENT: None. Carried: 8-0-1-0.

4. **Public Comment** – *non*-agendized items. There was one speaker. Joe Liesner spoke about People’s Park and Assembly Bill 1307.

5. **Public Comment** – items on the agenda. There were no speakers.

6. **SPECIAL PRESENTATION**: Eviction Defense Center (EDC) and East Bay Community Law Center (EBCLC) update on Berkeley eviction trends and data during the Eviction Moratorium Transition

Presenters: Anne T. Omura, EDC Executive Director; and Linda Yu, EBCLC Co-Director, Housing Practice

Anne T. Omura and Linda Yu presented and responded to questions from the Board. The Board directed the Executive Director to send a letter to the Presiding Judge of the Alameda County Superior Courts reiterating a previous Rent Board communication asking that eviction cases be moved back to the Oakland courthouse, and to gather information about providing training, involving EDC and EBCLC, for Berkeley police officers on civil standbys for lock outs with no court order.

7. CONSENT ITEMS

Item 9.b. was moved to Consent by a prior vote of the Board.

- a. Approval of the June 15th regular meeting minutes
- b. Recommendation to authorize staff to restore Chair Simon-Weisberg’s stipend deduction for a committee meeting absence on May 15, 2023 (Chair Simon-Weisberg)
- c. Recommendation to authorize staff to restore Commissioner Kelley’s stipend deduction for a committee meeting absence on July 10, 2023 (Vice-Chair Alpert)
- d. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

Ministerial Waivers

Property Address

1709 SHATTUCK
1324 BURNETT

2818 MABEL
1916 STUART
1940 FRANCISCO

M/S/C (Johnson/Alpert) APPROVE ALL CONSENT ITEMS, INCLUDING 9.b., AS WRITTEN. Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: Marrero; ABSENT: None. Carried: 8-0-1-0.

8. APPEAL – Case No. T-5986 and T-5987 (1619 Walnut Street, Units A & B)

Appearances:

Nan Colleen Noonan, Tenant Appellant and Respondent
Scott Wheeler, Tenant Appellant and Respondent
Noemi Ruelas, Owner Appellant and Respondent

M/S/C (Johnson/Alpert) MODIFY THE HEARING EXAMINER’S DECISION TO GRANT A 20% RENT REDUCTION DUE TO A SUBSTANTIAL BREACH OF THE IMPLIED WARRANTY OF HABITABILITY FOR LACK OF HEAT, TO BE APPLIED FOR THE ENTIRE TIME THE HEARING EXAMINER HAD GRANTED A 10% RENT REDUCTION. ADDITIONALLY, SUSPEND THE LANDLORD’S ABILITY TO TAKE ANNUAL GENERAL ADJUSTMENTS UNTIL THE CONDITIONS HAVE BEEN REMEDIED. Roll call vote. YES: Alpert, Johnson, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: Elgstrand; ABSENT: None. Carried: 8-0-1-0.

9. 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 speakers.

- a. Chair Update (Chair Simon-Weisberg) – Chair Simon-Weisberg mentioned an article in the New York Times concerning a mediation program in Philadelphia for housing issues.
- b. Recommendation to adopt Resolution 23-22 authorizing the Executive Director to execute a new contract with Public Interest Advocates for legislative advocacy services for a term of two years and an amount not to exceed \$120,000 (Executive Director) – MOVED TO CONSENT BY A PRIOR VOTE OF THE BOARD.

10. 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)
- b. Copy of July 2023 Eviction Moratorium Transition Period postcard sent to Berkeley landlords and tenants (Executive Director)
- c. “Registration 365” presentation by Amanda Eberhart (Registration Unit Manager)
- d. Year Over Year Comparison of Registration Fees Collected as of July 14, 2023 (Registration Unit Manager)
- e. Copy of Appeal Opinion and California Supreme Court Order denying review in *NCR Properties, LLC v. City of Berkeley et al.* (Legal Unit) – Moved to the next meeting by consensus of the Board.
- f. Updated Appendix B of Rent Board Regulations, Chapter 12 – US Bureau of Labor Statistics CPI Information (Executive Director/Legal Unit)
- g. Updated Appendix C of Rent Board Regulations, Chapter 12 – US Department of Housing and Urban Development Lower Income Limits (Executive Director/Legal Unit)
- h. Updated Commissioner attendance at Board and Committee meetings through the 2nd quarter of 2023 (Board Secretary)
- i. Date to submit agenda topics/items for August’s regular Rent Board meeting: **Monday, August 7th by 5:00 p.m.** (Board Secretary)

11. 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 noted that the Committee reviewed the Foreclosure/Distressed Property report and provided information on how Rent Board staff monitor and inform tenants of their rights when there are potential foreclosures.
Next regularly-scheduled meeting: Tuesday, July 18th at 5:00 p.m.

July 18th agenda
- c. Legislation, IRA/AGA & Registration Committee (LIRA Committee)
(Commissioner Kelley, Chair) – Committee Chair Kelley previewed the Committee’s upcoming work, and General Counsel Brown mentioned that the

next meeting is Monday, July 24.
Next regularly-scheduled meeting: TBA

- d. Outreach Committee (Vice-Chair Alpert, Chair) – Committee Chair Alpert shared that the final tenant survey report should be on the Rent Board’s September meeting agenda.
Next regularly-scheduled meeting: Tuesday, July 18th at 6:00 p.m.

July 18th agenda

- e. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board (Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)
Next regularly-scheduled meeting: TBA
- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Chair TBA) – Commissioner Marrero shared a few items of interest the Committee may be looking into in the future.
Next meeting date: TBA
- g. Ad Hoc Committee on Environmental Sustainability (Commissioner Martinac, Chair) – Committee Chair Martinac reported that the Committee is developing their scope of work, and she is meeting with managers of some other City departments to assess opportunities for collaboration.
Next meeting date: TBA

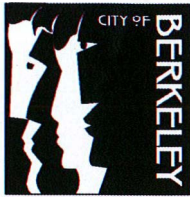
June 28th agenda

- h. Updates and Announcements –Chair Simon-Weisberg cancelled the August Regular Meeting. Commissioner Alpert noted that in Montgomery County, Maryland, the Board of Supervisors adopted rent control with vacancy control.
- i. Discussion of items for possible placement on future agenda – Reclassify the Ad Hoc Committee on Environmental Sustainability as a regular committee.

12. ADJOURNMENT

M/S/C (Alpert/Mizell) 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 11:11 p.m.



**Rent Stabilization Board
Legal Unit**

DATE: September 21, 2023
TO: Honorable Members of the Rent Stabilization Board
FROM: Matt Brown, General Counsel *MB*

SUBJECT: Recommendation to adopt Resolution 23-23 authorizing the Executive Director to amend the existing contract with Goldfarb & Lipman, LLP increasing the contract by \$30,000 for a total not to exceed the amount of \$80,000 through June 30, 2024.

Recommendation

That the Board adopt Resolution 23-23 authorizing the Executive Director to execute a contract amendment with Goldfarb & Lipman, LLP for an additional amount of \$30,000 for a total not to exceed \$80,000 through June 30, 2024.

Background and Need for Rent Stabilization Board Action

The Rent Stabilization Board previously authorized the Executive Director to execute a contract with Goldfarb & Lipman, LLP to provide litigation support for an administrative writ of mandate and to draft an amicus brief for a case that had a direct impact on Berkeley's tenant community in a total amount not to exceed \$30,000.¹ On March 16, 2023, the Board authorized an additional \$20,000 for this contract. Goldfarb & Lipman, LLP has provided the agency with invaluable support during a time of great transition which included significant staff turnover.

Throughout the duration of this contract Goldfarb & Lipman, LLP has assisted with litigation support given that the departure and extended absence of several staff attorneys left the legal unit particularly short-staffed. The firm's work has concluded, but we have several outstanding invoices to resolve. We will need another \$30,000 to pay for work performed.²

Financial Impact

The Board has sufficient funds in its FY 2023/24 uncommitted reserve to allocate an additional \$30,000 for a contract amendment with Goldfarb & Lipman, LLP.

Name and Telephone Number of Contact Person

Matt Brown, General Counsel (510) 981-4930

¹ The Board made clear that the Executive Director should use her spending authority of \$30,000 (authorized by Resolution 19-26 adopted December 19, 2019) to execute the contract with Goldfarb & Lipman, LLP.

² During the adoption of past Fiscal Year budgets the Board has expressed support for staff seeking assistance from outside counsel, so that the Board's interests may be fully protected.

RESOLUTION 23-23

**AUTHORIZING EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT
MODIFICATION WITH GOLDFARB & LIPMAN, LLP IN AN AMOUNT NOT TO
EXCEED \$30,000**

BE IT RESOLVED by the Rent Stabilization Board of the City of Berkeley (the “Board”) as follows:

WHEREAS, the Board authorized the Executive Director to execute a contract with Goldfarb & Lipman, LLP in the amount of \$30,000 to provide litigation support to assist with an administrative writ of mandate and an amicus brief in a case that had a direct impact on protections offered to Berkeley’s tenant community; and

WHEREAS, the contract was executed with Goldfarb & Lipman, LLP for a term beginning August 1, 2022, and ending June 30, 2023; and

WHEREAS, on March 16, 2023, the Board adopted Resolution 23-04 which authorized a contract amendment to increase the contract by \$20,000; and

WHEREAS, Goldfarb & Lipman, LLP has completed the work associated with this contract and informed Board staff that they will require more funds than the Board authorized for litigation support in the administrative writ of mandate and drafting the amicus brief for a case that had direct impact on Berkeley’s tenant community; and

WHEREAS, the Board’s legal unit has been short-staffed for some time during much of the last three and a half years; and

WHEREAS, the Board has expressed support for the Executive Director to allocate funds to outside counsel during times when staff capacity does not meet the demand for litigation support; and

RESOLUTION 23-23

AUTHORIZING EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT MODIFICATION WITH GOLDFARB & LIPMAN, LLP IN AN AMOUNT NOT TO EXCEED \$30,000 (Page 2)

WHEREAS, the Board's legal staff have continued to work successfully with the lawyers at Goldfarb & Lipman, LLP; and

WHEREAS, Goldfarb & Lipman, LLP have particular expertise in litigating matters related to writs of mandates and other private claims against government agencies.

NOW, THEREFORE, BE IT RESOLVED, that the City of Berkeley Rent Stabilization Board hereby authorizes the Executive Director to execute a contract modification with Goldfarb & Lipman, LLP to pay for work performed in an amount not to exceed \$30,000 (total contract amount not to exceed \$80,000); and

BE IT FURTHER RESOLVED that the Board will reconsider these matters should more funds be necessary to provide further assistance with matters related to litigation.

Dated: September 21, 2023

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

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chairperson
Rent Stabilization Board

Attest: _____

DeSeana Williams, Executive Director
Rent Stabilization Board



Rent Stabilization Board
Office of the Executive Director

DATE: September 21, 2023
TO: Honorable Members of the Rent Stabilization Board
FROM: DéSeana Williams, Executive Director
SUBJECT: Recommendation to adopt Resolution 23-24 authorizing the Executive Director to amend the existing contract with Ferdman Consulting, increasing the contract by \$30,000 for a total not to exceed amount of \$60,000 and amending the contract term through December 31, 2023.

Recommendation

That the Board adopt Resolution 23-24 authorizing the Executive Director to execute a contract amendment with Ferdman Consulting, increasing the contract by \$30,000 for a total not to exceed amount of \$60,000.00 and amending the contract term through December 31, 2023.

Background and Need for Rent Stabilization Board Action

On October 19, 2022, the Rent Stabilization Board authorized the Executive Director, by way of spending authority, to execute a contract with Ferdman Consulting, in a total not-to-exceed amount of \$30,000, to facilitate a staff retreat focused on creating opportunities for staff to engage in co-constructing a work culture of belonging, respect, and empowerment, as a way to continue to strengthen the agency, enhance staff working relationships, and bring DEI (diversity, equity, and inclusion) to life.

In December 2022, Dr. Bernardo Ferdman & Dr. Keren Stashower, who both have extensive experience consulting for many types of organizations and particularly public agencies partnered with Dr. Kumea Shorter-Gooden, principal of Shorter-Gooden Consulting to design and facilitate a 1½ day in-person staff retreat. The workshop was highly interactive and customized for the group, and involved presentations, dialogue, small group and paired breakouts, and a behavioral focus, with attention to individual and group commitments to becoming more intentional regarding inclusive behavior and inclusive leadership.

As part of the ongoing effort to ensure forward and positive progress toward improving the agency, the Executive Director will engage Ferdman Consulting to conduct another Diversity and Inclusion staff retreat in October 2023. The contract scope includes continuing support for the Executive Director and Senior Staff in promoting organizational change.

Financial Impact

The Board has dedicated sufficient funds in its FY 2023/24 budget to allocate an additional \$30,000 for a contract amendment with Ferdman Consulting.

Name and Telephone Number of Contact Person

DéSeana Williams, Executive Director (510) 981-7368

Attachments:

1. Proposed Resolution 23-24

RESOLUTION 23-24

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT AMENDMENT WITH FERDMAN CONSULTING THROUGH DECEMBER 31, 2023, IN AN AMOUNT NOT TO EXCEED \$60,000

BE IT RESOLVED by the Rent Stabilization Board of the City of Berkeley (the “Board”) as follows:

WHEREAS, the Board previously authorized the Executive Director to execute a contract with Ferdman Consulting, in the amount of \$30,000 to facilitate a staff retreat focused on creating opportunities for staff to engage in co-constructing a work culture of belonging, respect, and empowerment, as a way to continue to strengthen the agency, enhance staff working relationships, and bring DEI (diversity, equity, and inclusion) to life; and

WHEREAS, the contract was executed with Ferdman Consulting for a term beginning October 19, 2022, and ending June 30, 2023; and

WHEREAS, the Board previously approved a contract extension to June 30, 2024; and

WHEREAS, the Executive Director has been impressed with the Contractor’s ability to increase organizational capacity in the area of Diversity, Equity, and Inclusion; and

WHEREAS, the Executive Director and Board Staff have continued to work successfully with Ferdman Consulting; and

WHEREAS, Ferdman Consulting will facilitate another Diversity and Inclusion staff retreat in October 2023. The contract scope includes continuing support for the Executive Director and Senior Staff in promoting organizational change; and

WHEREAS, Ferdman Consulting has experience consulting for many types of organizations, particularly public agencies.

RESOLUTION 23-24

AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT AMENDMENT WITH FERDMAN CONSULTING THROUGH DECEMBER 31, 2023, IN AN AMOUNT NOT TO EXCEED \$60,000 (Page 2)

NOW, THEREFORE, BE IT RESOLVED, that the City of Berkeley Rent Stabilization Board hereby authorizes the Executive Director to amend the existing contract with Ferdman Consulting, increasing the contract by \$30,000 for a total not to exceed amount of \$60,000 and amending the contract term through December 31, 2023.

Dated: September 21, 2023

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

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chairperson
Rent Stabilization Board

Attest: _____
DeSeana Williams, Executive Director
Rent Stabilization Board

BERKELEY RENT STABILIZATION BOARD

2023 Committee Assignments

Proposed as of 9/21/2023

COMMITTEES	COMMISSIONERS	STAFF CONTACT(S)
BUDGET & PERSONNEL	Walker (Chair) Alpert Mizell Simon-Weisberg	DéSeana Williams, Executive Director Lief Bursell, Senior Planner
AD-HOC COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY	Martinac (Chair) Elgstrand Johnson Kelley	Nathan Dahl, Public Information Unit Manager
EVICITION / SECTION 8 / FORECLOSURE	Elgstrand (Chair) Johnson Martinac Mizell	Ollie Ehlinger, Staff Attorney
LIRA COMMITTEE (LEGISLATION, IRA/AGA & REGISTRATION)	Kelley (Chair) Alpert Martinac Mizell	Matt Brown, General Counsel
OUTREACH	Alpert (Chair) Elgstrand Kelley Marrero	Nathan Dahl, Public Information Unit Manager
4 x 4 JOINT COMMITTEE ON HOUSING: CITY COUNCIL / RSB	Simon-Weisberg (Co-Chair) Johnson Marrero Walker	Be Tran, Associate Planner Matt Brown, General Counsel
2 x 2 COMMITTEE ON HOUSING: RSB / BUSD	Marrero (Co-Chair) Simon-Weisberg	Shamika Cole, Finance Director
<i>AD HOC COMMITTEE TO CONSIDER RENT ORDINANCE AMENDMENTS AT THE 2024 NOVEMBER GENERAL ELECTION</i>	<i>Alpert Johnson Kelley Simon-Weisberg</i>	Matt Brown, General Counsel



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: September 21, 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
	2916 NEWBURY	FRANK BROWN	2,334.00	2,334.00	
	2801 COLLEGE	HISHAM & MAHA JOUDI	231.00	231.00	
	2443 WOOLSEY	DAMON NIM C/O CATHY NASON	2,500.00	2,500.00	
	1205 PERALTA	DAMON NIM C/O CATHY NASON	2,000.00	2,000.00	
	1601 CHANNING	NILOUFER GREWE	778.00	466.80	311.20
	2000 PRINCE ST	NILOUFER GREWE	778.00	778.00	
	2137 PARKER	JASON LEE	2,000.00	2,000.00	
TOTAL			10,621.00	10,309.80	311.20

Financial Impact: Ministerial Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$10,309.80**.

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
W5087	2020 KITTREDGE	CALIFORNIA CMNTY HSNB AGCY	136,928.00		136,928.00
TOTAL			136,928		136,928

Financial Impact: Discretionary Waivers

Approval of the Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$0.00**.

Name and Telephone Number of Contact Person:

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

September Ministerial Waiver Analysis

Address	Details
2916 Newbury	The Property located at 2916 Newbury is a fully covered duplex. In the last five fiscal years, the property owner has not made any late registration payments. In their waiver request the property owner states the fees were due to an incorrect move-in date that has since been corrected. A search of Rent Board records will show that the penalties charged by the incorrect move n date were removed in March 2023. No staff action is necessary at this time.
2801 College	The Property located at 2801 College is a fully covered multi-residential property. In the last five fiscal years, the property owner has not made any late registration payments. In their waiver request the property owner states the two units that were charged penalty fees were not available for rent until August 2022 of the 22-23 registration cycle. A search of Rent Board records will show that for unit 21, the property was only charged \$210 which was the pro-rated registration fee for the 22-23 cycle. No penalties were charged for that unit. The Rent Registry Records will also show for unit 20, the owner was charged \$462. \$231 in pro-rated registration feed and a \$231 penalty charge. On March 9, 2023, the property owner paid only the registration fee. On March 24 th staff removed the penalties for unit 21 that were added in error. No staff action is necessary at this time.
2443 Woolsey	The Property located at 2443 Woolsey is a fully covered multi-residential property. In the last five fiscal years, the property owner has not made any late registration payments. In their waiver request the property owner states that they made an address change for three properties they own in 2022 and only one property was changed, while the billing statements for the other two properties were sent to the wrong address. A search of Rent Board records will show that on 2/9/2023 damon@nasonpropertymanagement.com emailed the rent registry requesting the change of address. Unfortunately, the staffer assigned to update the address has since retired. Per regulation 883 G, this property qualifies to have 100% of its penalty waived per the ordinance. Staff recommends waiving 100% of the penalty.
1205 Peralta	The Property located at 1205 Peralta is a fully covered multi-residential property. In the last five fiscal years, the property owner has not made any late registration payments. In their waiver request the property owner states that they made an address change for three properties they own in 2022 and only one property was changed, while the billing statements for the other two properties were sent to the wrong address. A search of Rent Board records will show that on 2/9/2023 damon@nasonpropertymanagement.com emailed the rent registry requesting the change of address. Unfortunately, the staffer assigned to update the address has since retired. Per regulation 883 G, this property qualifies to have 100% of its penalty waived per the ordinance. Staff recommends waiving 100% of the penalty.

Ministerial Waiver Analysis

<p>1601 Channing</p>	<p>The single-family home located at 1601 Channing has been owned by the current owner since 2011. A search of Rent Board Records will show, the property owner did not register this property by the Measure MM deadline. The Rent Board records will also show the property failed to pay the 21/22, 22/23, and 23/24 registration fees on time. The first time the owner reached out the Rent Board to register their property was March 2023. The property owner states in their waiver that, “they were under the impression the registration fee was paid so they told their daughter to wait to pay the fee”. The owner also states in their waiver that, “her husband was hospitalized twice due to a stent infection and this was an oversight due to the calendar date of June 30th”. Unfortunately, the property owner submitted no additional documentation for the Board review and consideration. Per Rent Board regulation 884 C, this property qualifies to have 60% of their penalties waived because this is the properties third late payment in the last 6 registration cycles. Staff recommends waving 60% of the penalties per the regulation.</p>
<p>2000 Prince St</p>	<p>The single-family home located at 2000 Prince has been owned by the current owner since 1987. The property owner states in their waiver that the Registration Statement was mailed to the 2000 Prince street address when the correct address is a New York address. A search of Rent Board records will show the 2000 Prince St address matches the address that is listed on the Real Quest records. Staff notes, that it is common practice to send correspondence to the address on Real Quest. That address usually corresponds to the County records. Per Rent Board regulation 883 C, this property qualifies to have 100% of their penalties waived. Staff recommends waving 100% of the penalties per the ordinance.</p>
<p>2137 Parker</p>	<p>The four-plex located at 2137 Parker St. has been owned by the current owner since 2021. The owner states in their waiver that, “they paid the 21/22 registration fees on time.” A search of Rent Board records will show the property owner paid the 21/22 registration fees on June 30, 2021. Unfortunately, the migration of data to our new Rent Registry platform did not capture the payment and incorrectly charged the property penalties. Per Regulation 883 G, this property qualifies to have 100% of the penalty waived due to staff error. Staff recommends that 100% of the penalty be waived.</p>

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5087	Property address: 2020 KITTREDGE ST	Transferred: 06/08/2007
Exempt units (as of February 2021): None		
Owner(s): CALIFORNIA CMNTY HSNB	Waiver filed by: PROPERTY MANAGER	# of Units: 176
Other Berkeley rental property owned: 2020 KITTREDGE ST, BERKELEY, CA` 94704		

Late payment/penalty history: Staff notes that although this is a Measure MM property and there are not 5 years of financial history to review, the property has paid registration fees late in the 21/22, 22/23, and 23/24 registration cycles.

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

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
2023-24	176	\$31,328.00	07/10/2023	\$31,328.00	\$0.00	\$31,328.00
2022-23	176	\$26,400.00	01/17/2023	\$52,800.00	\$0.00	\$52,800.00
2021-22	176	\$26,400.00	04/28/2022	\$52,800.00	\$0.00	\$52,800.00
Totals				\$136,928.00	\$0.00	\$136,928.00

Grounds under Regulation 884(B): (6) The landlord requesting the waiver owns or manages 11 or more rental units

Good cause claimed by owner: The new property management company did not receive an invoice or notification regarding the Measure MM fees due.

Recommendation: Staff recommends denying the waiver based on the totality of the circumstances, the three late payments, and the amount of the penalties on the account.

Staff Analysis: The 176 multi-residential property located at 2022 Kittridge has been owned by the

current owner since October 2021 and is partially covered under Measure MM. The initial waiver submitted in October 2022 was by the former property manager/owner of Peak Made Reality, they state that they received the billing statement with the due date of October 31, 2021, for the initial Measure MM billing due date. At the time the 21/22 Measure MM fees were due, the property was in the process of being sold and the registration fees for the 21/22 registration cycle remained unpaid because both property management companies believed the other company paid the fee. In April 2022 the former property manager was made aware the 21/22 registration fee was still outstanding and on 4/28/2022 the former property manager paid the 21/22 outstanding registration fees. When the 22/23 registration cycle began, the Rent Board had still not been notified of the change in ownership, and the statement was mailed to the prior owner and property manager. After receiving the January penalty 22/23 registration statement, the former property manager reached out to the Registration Unit Manager in February 2023 to inform her the property was no longer under their purview, they asked for instructions to submit a waiver for the penalties and included an email documenting they notified the new property manager of the registration fees. A search of Rent Board Records will show that as of September 5, 2023, the account has an outstanding balance of \$136,928 in penalties. In March 2023, the Registration Manager reached out to the new property owners based on the email provided by the former manager and was able to update the property info and complete registration for the 22/23 registration fees. Also, at this time, the new property owner submitted a waiver for the outstanding penalties. In the waiver submitted by the new property manager they state, that during the property transition, they did not receive an invoice or notification regarding the MM registration fees. Unfortunately, the documentation submitted by the former property manager notifying the Rent Board of the ownership change included an email notifying the new manager of the MM registration fees. One of the emails listed on that documentation is from the same property manager who submitted the current waiver under review for the Board. Staff notes that although this is a Measure MM property and there are not 5 years of financial history to review, the property has paid registration fees late in the 21/22, 22/23, and 23/24 registration cycles. Per Rent Board Regulation 884(6) this waiver qualifies as Discretionary and is to be heard by the Board as the property manager requesting the waiver owns more than 11 rental units. Staff recommends denying the waiver based on the totality of the circumstances, the three late payments, and the amount of the penalties on the account.

RECEIVED

MAR 29 2023

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>

Initial: _____
Berkeley Rent Board

Request for Waiver of Late Registration Penalties

Please Read Important Information on Page 2

Property Address: 2020 Kittredge Street, Ste D, Berkeley, CA, 94704

Owner: California Community Housing Agency

Date of acquisition, if new owner: _____

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

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.

In October 2021, the property management company changed from BlackRock to Sequoia Equities. During the transition, Sequoia Equities did not receive an invoice or notification regarding the MM Registration Fee. After a months have gone by, BlackRock notified Sequoia Equities of the past due invoices. Upon notification, Sequoia Equities immediately issued payment to Berkeley's Rent Stabilization Program. As the new management company for California Community Housing Agency, we will ensure payment will be submitted timely every year. As part of the confusion during transitioning managment company, may we please have the full late fee penalty amount waiver as a one time courtesy?

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

Date: 2/17/2022 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: lphan@sequoiaequities.com

Mailing Address: 1777 Botelho Drive Suite 300, Walnut Creek, CA 94596

Phone Number: 925-945-0900 Fax Number: _____

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

Request for Waiver of Late Registration Penalties – Information
Please Read Before Completing the Waiver Request

Note: Before submitting a waiver request, you must pay all outstanding registration fees and file all registration forms

The penalties on your bill are owed under the law. The Rent Board **may** forgive some or all of the penalties when the late payment was not deliberate and the owner acts in “good faith.” Most waivers are processed by staff, based primarily on your past payment history (see Reg. 883*). But under certain circumstances (see Reg. 884*) the Rent Board will review a waiver request to determine what amount, if any, to forgive. In these discretionary reviews the Board is looking at “good cause” and the “totality of the circumstances” to determine an appropriate penalty.

Examples of good cause for a full or partial waiver of penalties include: • *you had a death or illness in the family* • *you are a new owner with no other Berkeley residential rental property* • *you didn't receive the original billing statement* • *you thought that the property or unit was exempt from registration* • *you didn't know about the requirement to pay a prorated registration fee on a previously exempt unit.*

Procedure for Discretionary Waivers: Staff will review your waiver request and make a recommendation to the Board. If a circumstance outlined in Regulation 884 applies, staff will send you a copy of the recommendation about a week before the Board meeting. You may submit a written response to the recommendation. The Board will review the staff recommendation and any response, and issue a decision. You are not required to, but may, attend and address the Board. Staff will mail you the Board's decision, which cannot be further appealed.

Full waiver is granted: The account is cleared, your eligibility for annual general adjustments (AGAs) is restored, and you are deemed in compliance from the date the waiver application was completed.

Partial waiver is granted: The denied amount **must** be resolved within 30 days or the waiver may be rescinded and the full amount of penalties reinstated. While any penalties remain outstanding, the property is considered not registered. This means, among other things, that you may not impose rent increases, may not evict tenants, and may be subject to tenant petitions for rent withholding.

For questions about waivers please call Amanda Eberhart at (510) 981-4904.

Communications Disclaimer:

This document will be included in the Rent Board's agenda packet and, as such, will become part of the City's electronic records, which are accessible through the City's website. This means that any e-mail addresses, names, addresses, and other information you provide 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, please call the Rent Board's Registration Unit at (510) 981-7368 to make that request.

* The referenced regulations can be found at: Chapter 8: Rent Registration

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

FLAK S

DUE DATE

07/01/2022

K STREET FLATS
 2020 KITTREDGE ST
 BERKELEY, CA 94704

ASSESSOR PARCEL NUMBER : 057202801402 PIN : 913838
 PROPERTY ADDRESS : 2020 KITTREDGE ST, BERKELEY, CA 94704

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	176	\$ 26,400.00
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		\$0.00
	Previous Fees		\$0.00
	Penalties		\$105,600.00
	Total Due		\$105,600.00

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 : 2020 KITTREDGE ST, BERKELEY, CA 94704
 APN : 057202801402
 BILLING CONTACT: K STREET FLATS
 CURRENT FEES : \$0.00
 PREVIOUS FEES: \$0.00
 PENALTIES : \$105,600.00
 TOTAL DUE : \$105,600.00

Units Paid For:

Amount Enclosed (Checks Only):

Fiscal Year	Date/Time	Payment Received Date	Transaction Type	Reference	Description	Amount	Current Year Fees	Current Year Penalties	Previous Year's Fees	Previous Year's Penalties	Unallocated / Account Credit	Balance	Owner Name
FY2022-23	01/17/2023 09:19 AM	01/17/2023	Payment	Check - 651	CK #651: 22/73 REG FEE \$26,400	26400.0	26400.0	0.0	0.0	0.0	0.0	105600.0	LoanPhan
FY2022-23	01/05/2023 11:13 AM		bill	RR2022-23-324257	bill	0.0	0.0	0.0	0.0	0.0	0.0	132000.0	LoanPhan

PROPERTY MANAGEMENT AND LEASING AGREEMENT
for
K STREET FLATS
BERKELEY, CA

This PROPERTY MANAGEMENT AND LEASING AGREEMENT (“*Agreement*”), is made and entered into as of October 1, 2021 (the “*Effective Date*”), by and between California Community Housing Agency, a public entity organized and existing under the laws of the State of California (“*Owner*”), and Sequoia Equities Incorporated, a California corporation (“*Manager*”), with reference to the following facts, which the parties agree are accurate:

WHEREAS, Owner owns that certain property described in Section 1.01 (the “*Project*”) and desires to engage Manager as its exclusive agent, to manage, to obtain leases for, operate, collect rents from, and maintain the Project, and Manager desires to accept such responsibilities as described herein; and

WHEREAS, Owner and Manager desire to enter into this Agreement to provide for the leasing and management by Manager of the Project.

NOW, THEREFORE, in consideration of the foregoing and the covenants contained in this Agreement and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

**ARTICLE I THE PROJECT; APPOINTMENT AND ACCEPTANCE;
INTRODUCTORY PROVISIONS**

Section 1.01. The Project. The Project is a 176-unit multifamily rental housing development containing approximately 2,885 ft² of commercial space, including the land, buildings furniture, fixtures, machinery, equipment and related facilities, presently known as “K Street Flats,” located at 2020 Kittredge Street in the City of Berkeley, California.

Section 1.02. Appointment and Acceptance; Commencement Date. Owner appoints Manager as manager of the Project for the term of this Agreement, subject to the supervision and control of the Administrator as provided herein, and Manager accepts such appointment. The appointment shall be exclusive as relating to the duties described in this Agreement. Manager shall begin providing services under this Agreement on October 7, 2021 (the “*Commencement Date*”).

Section 1.03. Project Administrator. Owner has entered into a Project Administration Agreement (the “*Project Administration Agreement*”) with HCF Development, LLC (the “*Administrator*”), pursuant to which the Administrator will supervise, coordinate, analyze and report to Owner with respect to the management and operation of the Project. Pursuant to the Project Administration Agreement, the Administrator is authorized to give or withhold any consents or approvals required by Owner under this Agreement and Manager shall be entitled to rely on any written consents, approvals, or direction given by the Administrator

Sequoia Equities, Inc. as Trustee for Clients Trust Account

K Street Flats

1777 Botelho Dr., #300
Walnut Creek, CA 94596

7375

First Republic Bank
111 Pine Street
San Francisco, CA 94111
321081869

651

01/10/2023

VOID AFTER 180 DAYS

**** TWENTY SIX THOUSAND FOUR HUNDRED AND 00/100 DOLLARS

\$26,400.00**

PAY TO THE
ORDER OF

BERKELEY RENT BOARD
2125 MILVIA STREET
BERKELEY, CA 94704

Authorized Signature

Security features. Details on back.

ENDORSE HERE

Pay to the Order of
WELLS FARGO BANK, N.A.

For Deposit Only
City of Berkeley

SWK

CHECK RENT STABILIZATION BOARD
LOCATION 8901

DATE

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE *

The security features listed below, as well as those not listed, exceed industry guidelines.

Security Features:

Material

• Chemically Resistant Paper

• Security Features

• True Watermark

Results of document alteration:

• All Serials are of the same size as original

• All Serials are of the same size as original

• All Serials are of the same size as original

• All Serials are of the same size as original

• All Serials are of the same size as original

From: [Keitha Bradford](#)
To: [Eberhart, Amanda](#)
Subject: RE: [EXT]2022 Kittredge
Date: Monday, February 6, 2023 8:12:34 PM
Attachments: [image001.png](#)
[image002.png](#)

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.

Hi Amanda,

Below was the last discussion we had about the waiver for 2021 and 2022 fees. The conversation is with the representative for the former owner, Diana Cohen with BlackRock (Granite Library Gardens), myself, and the new management company for the new owners called Sequoia. It was from 12/7 and a few days prior.



I found this link with info:

<https://rentboard.berkeleyca.gov/elected-rent-board/news/registration-fees-are-due-friday-july-1>

Maybe you can get a copy from somewhere on this link?

They are called MM Registration Fees. Once you get ahold of the invoice, if there are any penalties listed on it, they advised us to pay the annual fees and not include the penalties in the payment and then they told us to file a waiver. That is what we did, but here we are a year later and it is a struggle to get these penalties waived. This was the first positive communication I have had with them so it does sound like they will waive the penalties if the current fees get paid. The penalties follow the current owner so they will show up on your invoice more than likely.

Let me know if you have any other questions.

Keitha Bradford
Regional Manager
PeakMade Real Estate | [PeakMade.com](#)
O: 404.920.5300
C: 337.412.4932



[CONFIDENTIALITY AND PRIVACY NOTICE] Information transmitted by this email is proprietary to PeakMade Real Estate and is intended for use only by the individual or entity to which it is addressed, and may contain information that is private, privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient or it appears that this mail has been forwarded to you without proper authority, you are notified that any use or dissemination of this information in any manner is strictly prohibited. In such cases, please delete this email from your records.

From: Chrissy McCulloch <cmcculloch@sequoiaequities.com>
Sent: Wednesday, December 7, 2022 12:39 PM
To: Cohen, Diana <diana.j.cohen@blackrock.com>
Cc: Loan Phan <lphan@sequoiaequities.com>; Keitha Bradford <kbradford@peakmade.com>
Subject: [EXT]Re: True Up for K Street

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Diana/Keitha,

Can you let me know if this invoice has been sent to the site? I'm aware of the newly instituted annual BMR monitoring fee that we saw billed in July for \$15k+, but I don't recall seeing an invoice for this fee.

Thanks,

Chrissy McCulloch
Regional Portfolio Manager



1777 Botelho Drive Suite 300 | Walnut Creek, CA 94596
phone: (925) 945-0900 | **fax:** (925) 256-3780

[ElevateToSequoia.com](#)



On Wed, Dec 7, 2022 at 9:43 AM Cohen, Diana <diana.j.cohen@blackrock.com> wrote:
Hi Loan,

I am adding Keitha Bradford from our former property management company, Peak, to this email to reduce the back and forth on this. Keitha has been working on this for months, trying to get to the bottom of the issue with Berkeley.

As you may recall, Berkeley implemented a new annual fee during our final year of ownership. We were unaware of the new annual fee, so we did not pay it, which then resulted in additional penalties being applied. Since then, the original fee has been paid, and Keitha has been working on having the penalties waived. However, as you can see from the email from the city in red below, current year fees must be paid by the new ownership for the current year in order for them to waive outstanding penalties from past years.

I have received the attached waiver from you. In order for me to move this forward for the Board to hear, all outstanding registration fees have to be paid in full first. At this time, the account shows that the 22/23 registration fees have not been paid. Please submit a payment to our office for the 22/23 registration fees in the amount of \$26,400 before December 30th 2022, in order to have your waiver heard at the January Board meeting. If you have any questions or concerns, please feel free to contact me.

Site Address	Rent Program Fees Owed
2020 KITTREDGE ST, BERKELEY, CA 94704	<p>You need to submit the Property for Registration before you can pay your fees for this fiscal year.</p> <p>Due by July 1, 2022</p> <p>Current Year Fees: \$26,400.00</p> <p>Current Year Penalties: \$26,400.00</p> <p>Previous Year's Fees: \$0.00</p> <p>Previous Year's Penalties: \$52,800.00</p> <p>Account Credit: \$0.00</p> <p>Waiver Amount: \$0.00</p> <p>*Total Owed: \$105,600.00</p>
2022 KITTREDGE ST BERKELEY CA 94704	

Total Units	Property Status	Primary Owner	Property Manager
176	Registration Completed	California Empty Home	

Please let us know if you have any questions or follow-up.

Best,

Diana Cohen
 Vice President | BlackRock Real Assets | Real Estate
 Phone 415.670.4368 | Mobile 646.530.0206

From: Loan Phan <lphan@sequoiaequities.com>
Sent: Monday, December 5, 2022 2:41 PM
To: Cohen, Diana <diana.j.cohen@blackrock.com>
Cc: Chrissy McCulloch <cmcculloch@sequoiaequities.com>
Subject: Re: True Up for K Street

External Email: Use caution with links and attachments

Hello Diana,

I hope you are doing well. My apologies for not responding sooner, I was on a long vacation. Has there been any progress on the fees waivers? I am hoping we can complete K-Street's true-up

From: Eberhart, Amanda <AEberhart@berkeleyca.gov>
Sent: Monday, February 6, 2023 5:58 PM
To: Keitha Bradford <kbradford@peakmade.com>
Subject: [EXT]2022 Kittredge

***** CAUTION ***** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***** CAUTION *****

Hi Keitha,

Thank you for speaking with me today. If you could forward any information to help me close out this waiver that would be great.

Thank you,

Amanda Eberhart | Registration Unit Manager
 City of Berkeley | Rent Stabilization Board
 2125 Milvia St, Berkeley, CA 94704
 Ofc: (510) 981-4904 | Fax: (510) 981-4940
 Email: AEberhart@cityofberkeley.info | www.cityofberkeley.info/rent



Rent Stabilization Board

The Berkeley COVID-19 Eviction Moratorium Ends September 1, 2023

Starting September 1, 2023, all eviction protections arising from COVID-19 will have expired. State law and the good cause for eviction provisions of the Rent Stabilization Ordinance will again regulate terminations of tenancy and evictions.

For more information about evictions in Berkeley, please visit our website:

<https://rentboard.berkeleyca.gov/rights-responsibilities/evictions>



This webpage has information related to:

- The Eviction Process
- Good Cause for Evictions and Other Local Requirements
- Improper Landlord Actions and Wrongful Evictions
- Owner Move-In (OMI) Eviction
- Ellis Act Eviction



If you have received an eviction notice and need assistance with understanding the process and your rights and resources that may be available to you, please contact a Housing Counselor at the Rent Board.

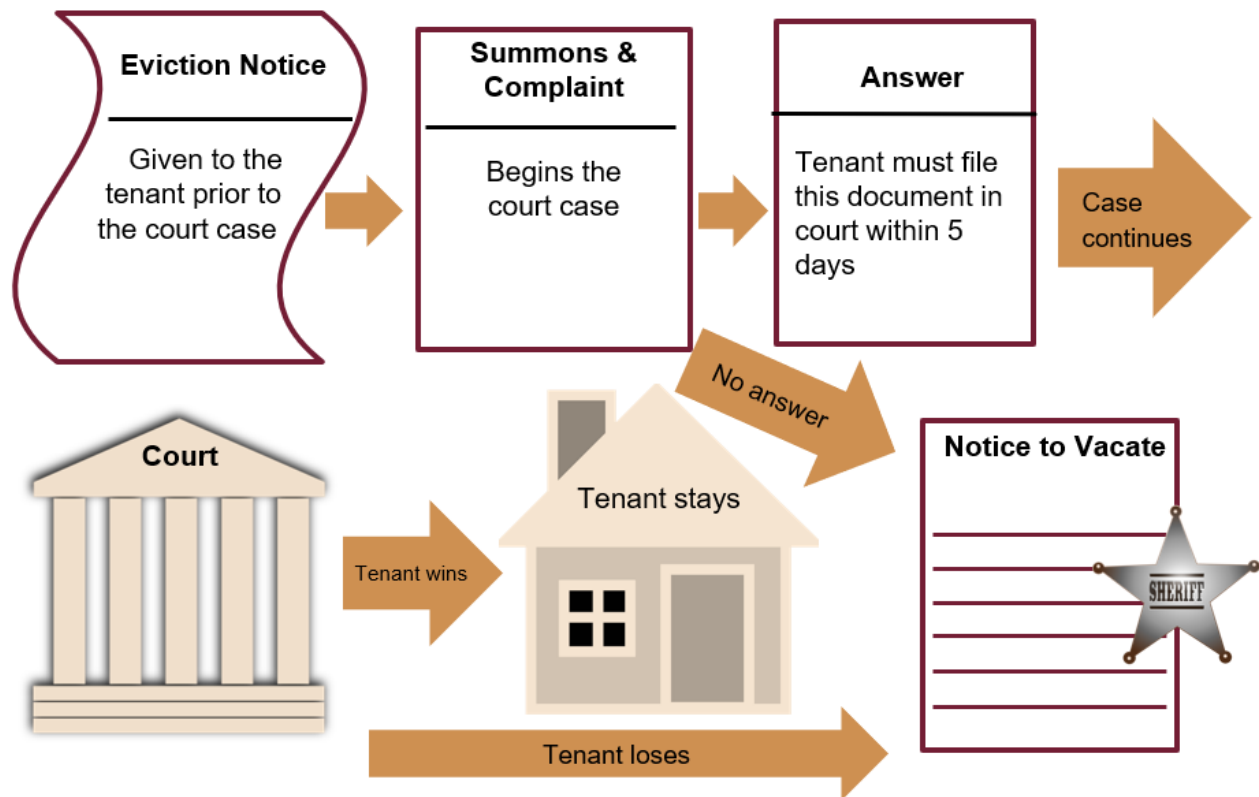
The eviction process can move quickly! It's important to understand action you can take to respond to any notices related to an eviction.

Phone: (510) 981-7368 Ext.1

Email: rent@berkeleyca.gov

Request an Appointment: tinyurl.com/rentboardappt

The Eviction Process



FREQUENTLY ASKED QUESTIONS

Q: If I owe back rent accumulated during the Eviction Moratorium, can I be evicted after September 1, 2023?

A: While it is still owed, the back rent from April 2020 - April 2023 generally cannot be used as justification for initiating an eviction. However, tenants may be vulnerable to eviction if they did not pay rent due between May 1 - August 31, 2023, and did not provide a declaration or documentation of inability to pay rent due to a COVID-19 related reason.

Q: Can a landlord evict for substantial violations of the lease agreement after September 1, 2023?

A: Yes. Once the Eviction Moratorium ends, landlords can pursue evictions based on alleged substantial violations of the lease agreement and other reasons outlined in the Good Cause for Eviction Ordinance – See Berkeley Municipal Code section 13.76.130.

Q: What help is available if I owe back rent or cannot make future rent payments?

A: Please visit [tinyurl.com/housing-grants](https://www.tinyurl.com/housing-grants) or call (510) 452-4541 for information and eligibility requirements for the Housing Retention Program. Additionally, you may be eligible for services to help negotiate payback plans or other mutual resolutions with the landlord to maintain your housing.

*NCR Properties v.
City of Berkeley et. al.*

Regular Meeting of the Berkeley Rent Stabilization Board

September 21, 2023



NCR Properties Purchases 2401 Warring (2013)

- Permitted as single-family home
- History of rental rooming house

NCR Properties Converts 2401 Warring St.

- Now Permitted Triplex
- New Certificates of Occupancy





NCR Properties Purchases 2504 Dana St (2014)

- Built as Single-Family Home
- Permitted for foster care facility
- Previous use as rooming house



NCR Properties Converts 2504 Dana St.

- Now Permitted Triplex
- New Certificates of Occupancy

2018 Rent Board Determination



Board determined 4 out of 6 units were rent controlled since they were created from existing residential space



The Board exempted one unit in each property as “new construction”

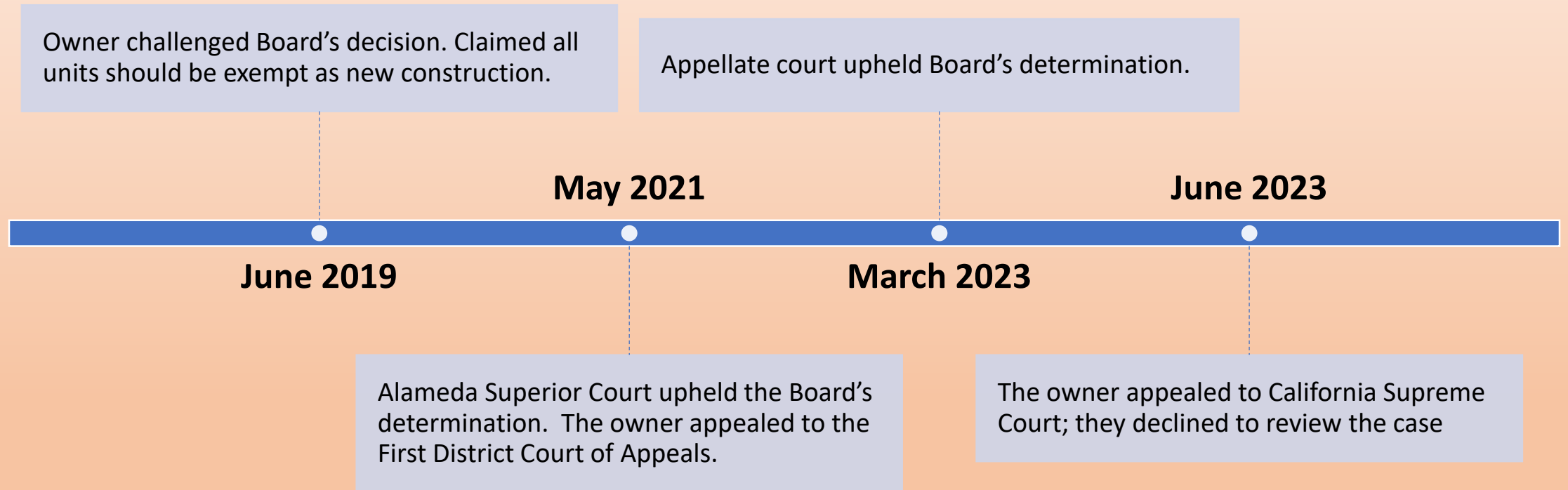


Exempted units created from spaces without previous residential use



Board based its decision on Resolution 17-13 & Burien case

Legal Procedure Timeline





Appellate Court's Decision

- The appellate court reviewed Board's determination & Reso 17-13 for consistency with state law
- Court found Costa-Hawkins exemption only applies to units with Certificates of Occupancy "issued prior to residential use," even if renovations are extensive.
- Court's decision affirms Resolution 17-13 & Board's practice when reviewing similarly converted properties.



Questions?



Filed 03/09/2023

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

NCR PROPERTIES, LLC,

Plaintiff and Appellant;

v.

CITY OF BERKELEY et al.,

Defendants and Respondents;

SYDNEY LEE et al.,

Real Parties in Interest.

A163003

(Alameda County
Super. Ct. No. RG19024268)

2504 DANA STREET, LLC et al.,

Plaintiff and Appellant;

v.

CITY OF BERKELEY et al.,

Defendants and Respondents;

GLORIA CHEN et al.,

Real Parties in Interest.

(Alameda County
Super. Ct. No. RG19028640)

Appellant landlords (Landlords) purchased two derelict single-family homes in Berkeley and rehabilitated them, converting them into triplexes. After Landlords rented out the units, a dispute arose as to whether the properties are subject to the City of Berkeley's Rent Stabilization and Eviction for Good Cause Ordinance, Berkeley Municipal Code Chapter 13.76 (Rent Ordinance). Landlords contended the new units are exempt from local

rent control under the Costa-Hawkins Rental Housing Act, Civil Code section 1954.50 et seq. (Costa-Hawkins), which provides an exemption for residential units that have a certificate of occupancy issued after February 1, 1995. (Civ. Code, § 1945.52, subd. (a)(1).)

The City of Berkeley’s Rent Stabilization Board (Rent Board) disagreed as to four of the six units. Explaining that, before Landlords purchased the homes, the properties had been managed as rooming houses, the Rent Board concluded two of the three units in each building were carved from space that had been rented for residential use before the current certificates of occupancy issued. Thus, these four units reflect a mere conversion from one form of residential use to another, rather than an expansion of the housing stock. Only an attic unit in one building and a basement unit in the other are exempt from local rent control as new construction, the Rent Board found. Informing the Rent Board’s conclusion was its Resolution 17-13 (Resolution 17-13), an interpretive gloss on the Rent Ordinance.¹

¹ We grant respondents’ unopposed request for judicial notice of the following documents: a certified copy of Resolution 17-13, copies of Rent Board Regulations 403 & 403.5, and excerpts of Berkeley Municipal Code (B.M.C.) section 13.76.010 et seq. (See Evid. Code, §§ 452, subds. (b) & (c), 453, 459.) We likewise grant appellants’ unopposed request for judicial notice of the City of Berkeley’s “Guidelines for Issuance of Certificates of Occupancy,” available at <<https://berkeleyca.gov/sites/default/files/2022-02/Guideline%20for%20Issuance%20of%20Certificates%20of%20Occupancy%20Policy.pdf>> (as of Mar. 9, 2023). We deny as unnecessary appellants’ request for judicial notice of the Legislative Counsel’s Digest for Assembly Bill No. 1164 (1995–1996 Reg. Sess.), which became Costa-Hawkins, and Appellants’ Request for Judicial Notice in Support of Letter Brief because published legislative history may be cited without a request for judicial notice. (*Quelimane Co. v. Stewart Title Guaranty Co.* (1998) 19 Cal.4th 26, 46, fn. 9.) And we deny the remaining requests for judicial notice on relevance grounds. (*People ex rel. Lockyer v. Shamrock Foods Co.* (2000) 24 Cal.4th 415, 422, fn. 2 [“a precondition to the taking of judicial notice in

We reach the same conclusion by applying the rule of *Burien, LLC v. Wiley* (2014) 230 Cal.App.4th 1039 (*Burien*) to the admittedly new context of this case. Because the four units in dispute were converted from space long dedicated to residential use, *Burien* teaches that Costa-Hawkins does not exempt them from local rent control as new construction. And because Resolution 17-13 interprets the Rent Ordinance in a manner consistent with *Burien* and with Costa-Hawkins, neither Resolution 17-13 nor the Rent Ordinance is preempted by state law.

BACKGROUND

Landlords are two corporate entities formed by the same persons to engage in parallel projects, that is, to purchase, upgrade, and rent out residential property in Berkeley. Appellant 2504 DANA STREET, LLC purchased a single-family home at that address (Dana Street) in 2012. Appellant NCR PROPERTIES, LLC purchased a similar home at 2401 Warring Street (Warring Street) the following year. In light of the overlap in membership and activity between appellants, we refer to them both individually and collectively as “Landlords.”

Before Landlords purchased Dana Street, the property was operated as an unpermitted rooming house.² A three-story building with a steeply pitched roof, it was originally a single-family home that had been permitted in the 1970’s as a foster home for girls. As of 2006, 11 rooms in the 14-

either its mandatory or permissive form” is that “any matter to be judicially noticed must be relevant to a material issue”].)

² A rooming house is a building, other than a hotel, rented to at least five individuals with at least five separate leases, according to Rent Board regulations. (Rent Board Regs. 403, 403.5.) The City apparently requires a use permit to convert a single-family home to a rooming house, but even where no permit has been obtained, a property operating as a rooming house must be registered with the Rent Board. (Rent Board Reg. 403.5, subd. (B).)

bedroom, 4.5-bath home housed individual renters, but these rooms were not subject to rent control because the owner also resided in the home and shared kitchen and bath facilities with the tenants. Also, the home had deteriorated to the point where it could not be legally inhabited, in part because inadequate egress and a faulty sprinkler system rendered the third floor a fire hazard. The building was sold to Landlords with the understanding that its remaining tenants would move out before closing.

In August 2012, Landlords applied for a permit to convert Dana Street to a triplex. Among other improvements, they would raise the walls and substantially reduce the pitch of the roof to expand the second- and third-floor living spaces, replace the building's foundation, build external staircases and separate entrances to the second- and third-floor apartments, and install a new kitchen in each unit. When the project was finished, the building had 9 bathrooms, 19 bedrooms, and a total of more than 5,500 square feet of living space, of which 1,245 square feet was new. In December 2014, the City of Berkeley (City) issued Landlords a certificate of occupancy, reflecting a change in occupancy classification from single-family dwelling to multi-family use. Tenants moved in.

Before Landlords purchased the building on Warring Street it, too, had operated as an unpermitted rooming house for decades. Although classified for occupancy as a single-family residence, the three-story home had been registered with the Rent Board as an 11-unit rooming house since 2000. When Landlords took possession in 2013 only one tenant remained, and he soon moved out. The building was in poor condition, with a history of building code violations.

Landlords applied for a use permit to create a new basement unit and to convert the three floors that had been a rooming house on Warring Street

into two apartments. The project involved replacing the building's foundation, excavating space in the basement to create 1,254 square feet of newly habitable living area, adding 95 square feet of habitable space and a roof deck to the third story, installing a new kitchen in each unit, and other upgrades. The City Council approved the project in January 2015, the work was then done, and in December 2015 Landlords received a certificate of occupancy for their new triplex.

Originally, the City took the position that all six of the new units in Landlords' buildings were exempt from rent control under Costa-Hawkins as new construction. The City Manager so stated with regard to Warring Street in January 2015, when she recommended to the City Council that it approve Landlords' application to convert the property to a triplex. A lower-level employee reached the same conclusion with regard to Dana Street in a May 2015 email. Both times, it was the new certificate of occupancy that caused the City to conclude all the new rental units were exempt from the Rent Ordinance. Then, in November 2016, Berkeley voters passed Measure AA, which amended the Rent Ordinance's provision on new construction. (See B.M.C. 13.76.050.I.)

In May 2017, the Rent Board reversed course on these two properties. It sent Landlords letters declaring that two of the three units on Warring Street and all three units on Dana Street were subject to the Rent Ordinance. The letters constituted an administrative determination that the space that became these five units had been previously put to residential use, so that the 2014 decision in *Burien, supra*, 230 Cal.App.4th 1039 rendered these units not exempt from local rent control under Costa-Hawkins. Only the basement unit on Warring Street, where Landlords had excavated previously

uninhabitable space, was beyond the reach of the Rent Ordinance, according to the administrative determination.

A month later, the Rent Board enacted Resolution 17-13, which provides: “A rental unit with a certificate of occupancy issued after residential use of the unit began shall not qualify as exempt” from rent control under the “ ‘new construction’ ” exemption in the Rent Ordinance. The stated purpose of this resolution was to “ensure that Berkeley’s local new construction exemption does not conflict with the holding in *Burien*,” and thus with *Costa-Hawkins*.

Landlords contested the Rent Board’s administrative determination, filing petitions on January 19, 2018, to determine the exempt status of the units. A hearing officer for the Rent Board denied the petitions in December 2018, relying on Resolution 17-13 and *Burien*. Landlords appealed, and the Rent Board then modified the hearing officer’s decision with respect to Dana Street, to reflect that the third-story unit there was exempt from the Rent Ordinance because Landlords had created much of that habitable space by raising the roof. The Rent Board affirmed the hearing officer’s decisions in all other respects.

In June 2019, Landlords timely filed petitions in the trial court challenging the Rent Board’s decisions. Named as respondents were the City and the Rent Board. Each petition asserts a cause of action for administrative mandamus (citing Code Civ. Proc., §§ 1094.5, 1085), alleging that “the Rent Board exceeded its jurisdiction, and/or abused its discretion,” including by misapplying *Burien* and Resolution 17-13 and by making regulatory findings inconsistent with *Costa-Hawkins*’ exemption for new construction. Each petition also asserts a cause of action for declaratory

relief as to related legal contentions (see Code Civ. Proc., § 1060), including a declaration that state law preempts Resolution 17-13.

The petitions were consolidated and, on May 6, 2021, denied. The trial court found that Resolution 17-13 and the Rent Board’s decisions regarding the Dana Street and Warring Street triplexes “accurately reflect the *Burien* holding.” Judgment was entered in favor of the City and the Rent Board, and this timely appeal ensued.

DISCUSSION

This appeal presents two questions of law: whether the Rent Board correctly construed and applied Costa-Hawkins in determining that the four challenged units are not exempt from local rent control and, relatedly, whether Costa-Hawkins preempts Resolution 17-13’s construction of Berkeley’s Rent Ordinance. The material facts are not in dispute, and we independently review questions of law. (See *Palmer/Sixth Street Properties, L.P. v. City of Los Angeles* (2009) 175 Cal.App.4th 1396, 1405 [mandamus claim involving Costa-Hawkins]; *Crocker National Bank v. City & County of San Francisco* (1989) 49 Cal.3d 881, 888 [mixed questions of law and fact that are “predominantly legal”].) We first review the legal backdrop before considering the two issues in turn.

I.

The Legislature enacted Costa-Hawkins in 1995 to moderate what it considered the excesses of local rent control. (See *Mosser Companies v. San Francisco Rent Stabilization & Arbitration Bd.* (2015) 233 Cal.App.4th 505, 514.) The act has two main sections. One section, not at issue in this case, prohibits vacancy control. With few exceptions, it gives California landlords the right to set the rent on a vacant unit at whatever price they choose. (Civ. Code, § 1954.53.) The provision at issue here goes further, where it applies.

Civil Code section 1954.52, subdivision (a) (“section 1954.52(a)”) exempts three categories of rental property from rent control, even for existing tenancies.

Section 1954.52(a) states, “Notwithstanding any other provision of law, an owner of residential real property may establish the initial and all subsequent rental rates for a dwelling or a unit about which any of the following is true: [¶] (1) It has a certificate of occupancy issued after February 1, 1995. [¶] (2) It has already been exempt from the residential rent control ordinance of a public entity on or before February 1, 1995, pursuant to a local exemption for newly constructed units. [¶] (3)(A) It is alienable separate from the title to any other dwelling unit” This third exemption is complex, but for present purposes it suffices to observe that the third exemption generally includes single-family homes and condominiums, which are both separately alienable property interests. (See *Burien*, *supra*, 230 Cal.App.4th at p. 1045.)

As originally enacted, the statute contained a loophole, which the Legislature closed in 2001. (*Burien*, *supra*, 230 Cal.App.4th at pp. 1046–1047.) In pertinent part, the Legislature amended the third exemption in section 1954.52(a) to exclude “[a] condominium dwelling or unit that has not been sold separately by the subdivider to a bona fide purchaser for value.” (*Id.* at p. 1045, quoting § 1954.52(a)(3)(B)(ii).) The problem the Legislature was seeking to solve is illustrated by the facts of *Burien*. There, a tenant leased an apartment in 1981 and, still resident there 30 years later, received a notice that his rent would suddenly more than double. (*Burien*, at pp. 1042–1043.) The landlord had recently converted the building to condominiums and, without selling the tenant’s unit, sought to increase the tenant’s rent by an amount well in excess of what the local rent control

ordinance would tolerate. (*Id.* at p. 1043.) Under Costa-Hawkins as originally passed, the tenant’s unit would have been exempt from local rent control because the condominium was separately “alienable,” even though still owned by the same landlord. (§ 1954.52(a)(3)(A).) After amendment in 2001, the third exemption in section 1954.52(a) no longer applied to the tenant’s condominium because the landlord subdivider had not sold the unit.

With one loophole closed, the *Burien* landlord looked for another. Instead of invoking the third exemption in section 1954.52(a), it invoked the first exemption, for properties with “a certificate of occupancy issued after February 1, 1995.” (§ 1954.52(a)(1).) When the landlord converted its building to condominiums, it “obtained a new certificate of occupancy . . . based on the change of use from apartments to condominiums.” (*Burien, supra*, 230 Cal.App.4th at p. 1043.) This occurred after 1995, so the landlord contended the plain language of the first exemption removed the tenant’s condominium from the reach of local rent control. (*Id.* at p. 1047.) The tenant read the first exemption differently. He contended “the exemption refers to the first certificate of occupancy issued for the unit,” and did not apply to his unit because his tenancy pre-dated the new certificate. (*Id.* at p. 1044.) The *Burien* court concluded, “the language of subdivision (a)(1), standing alone, is susceptible of both parties’ constructions, but reading the section as a whole, the exemption can only apply to certificates of occupancy that precede residential use of the unit.” (*Ibid.*) *Burien* broadly announced a rule, consistent with but not apparent from the plain language of the statute, that “section 1954.52, subdivision (a)(1), refers to certificates of occupancy issued prior to residential use of the unit.” (*Id.* at p. 1042.)

In explaining its reasoning, the court first reviewed familiar principles of statutory construction. “Our primary task is to determine the intent of the

legislative body, so as to construe the statute to effectuate that purpose. [Citation.] We begin with the words of the statute. . . . ‘If the language is clear and unambiguous there is no need for construction, nor is it necessary to resort to indicia of the intent of the Legislature. . . .’ [¶] But the court is not prohibited ‘from determining whether the literal meaning of a statute comports with its purpose or whether such a construction of one provision is consistent with other provisions of the statute. . . . Literal construction should not prevail if it is contrary to the legislative intent apparent in the statute.’” (*Burien, supra*, 230 Cal.App.4th at p. 1043.) Where statutory language is “‘reasonably susceptible to more than one interpretation, we will “examine the context in which the language appears, adopting the construction that best harmonizes the statute internally and with related statutes. . . .” ’” (*Id.* at p. 1044.) And “ “[w]e must select the construction that comports most closely with the apparent intent of the Legislature.” ’” (*Ibid.*)

The *Burien* court next reviewed the 2001 amendment to Costa-Hawkins and its legislative history. The court cited an analysis of Senate Bill No. 985 (2001–2002 Reg. Sess.) by the Assembly Committee on the Judiciary, describing the 2001 amendment as necessary because section 1954.52, subdivision (a)(3) “‘was originally created to spur construction of condominiums’” but was being used instead to convert existing apartments to condominiums. Closing this “‘loophole,’” the 2001 amendment would ensure that “‘apartment units that have remained rentals would be subject to local rent control laws.’” (*Burien, supra*, 230 Cal.App.4th at pp. 1046–1047.)

The court assessed the parties’ proffered interpretations of section 1954.52(a)(1) against what the court took to be the purpose of the exemption.

(*Burien*, *supra*, 230 Cal.App.4th at pp. 1047–1048.) The court explained, “[w]hen a building is constructed, added on to, or altered, a certificate of occupancy is generated at the conclusion of all inspections to certify that the building meets local building code requirements for occupancy. A commonsense interpretation of section 1954.52, subdivision (a)(1), is that it excludes buildings from rent control that are certified for occupancy after February 1, 1995. Buildings that were certified for occupancy prior to February 1, 1995, are not excluded.” (*Id.* at p. 1047.) This interpretation, proffered by the tenant, “furthers the purpose of the exemption by encouraging construction and conversion of buildings which add to the residential housing supply,” while otherwise leaving in place protection for tenants. (*Ibid.*) By contrast, the court found, the landlord’s construction “does not further the purpose of the statute. A certificate of occupancy based solely on a change in use from one type of residential housing to another does not enlarge the supply of housing.” (*Ibid.*)

The *Burien* court also observed that the landlord’s construction of section 1954.52, subdivision (a)(1), would negate the 2001 amendment of subdivision (a)(3), rendering that portion of the statute “nugatory.” (*Burien*, *supra*, 230 Cal.App.4th at p. 1047.) If a certificate of occupancy issued as part of a condominium conversion could exempt a unit from rent control under subdivision (a)(1), as the landlord in *Burien* contended, then there would be no need to assess whether, under subdivision (a)(3), a tenant’s unit had “been sold separately by the subdivider to a bona fide purchaser.” (§ 1954.52(a)(3)(B)(ii).) The court concluded, “[i]nterpreting section 1954.52, subdivision (a)(1) to apply to any certificate of occupancy issued after 1995 would circumvent the tenant protection enacted by the Legislature under

subdivision (a)(3) for buildings converted to condominiums.” (*Burien*, at p. 1048.)

Finally, the *Burien* court considered parallel exemptions in local rent-control ordinances designed to encourage the creation of new residential housing, which led to a discussion of *Da Vinci Group v. San Francisco Residential Rent etc. Bd.* (1992) 5 Cal.App.4th 24 (*Da Vinci Group*). (*Burien*, *supra*, 230 Cal.App.4th at pp. 1048–1049.) While *Da Vinci Group* is consistent with *Burien*, it predates *Costa-Hawkins* and construes an ordinance not at issue in this case, and the case is accordingly of limited use here.

But *Burien*’s discussion of *Da Vinci Group* does show that the *Burien* court was thinking about other conversions, beyond the paperwork condominium conversion before it. In *Da Vinci Group*, a commercial warehouse had been informally converted into apartments by 1980 and several years later, following substantial renovations to bring the residential units up to code, was awarded its first certificate of occupancy. (*Da Vinci Group*, *supra*, 5 Cal.App.4th at p. 27.) The property owner argued the building was exempt as “‘new construction’” from San Francisco’s rent ordinance. (*Id.* at p. 28.) Similarly to the first exemption adopted in *Costa-Hawkins*, that ordinance excluded “‘rental units located in a structure for which a certificate of occupancy was first issued after the effective date of this ordinance.’” (*Ibid.*) The appellate court upheld the local agency’s determination that this exclusion did not apply, although “[a]t first glance” it appeared to, because the belatedly obtained certificate of occupancy merely legalized residential use that was already occurring. (*Id.* at pp. 28–30.) The certificate of occupancy was new, but the “units were not newly constructed,

nor was the building restructured to permit new residential use,” the *Da Vinci Group* court explained. (*Id.* at p. 30.)

II.

The central dispute between the parties in this case is over how broadly to read and apply *Burien*, *supra*, 230 Cal.App.4th at p. 1048. The trial court embraced the expansive language in which *Burien* expressed its holding, agreeing that the first exemption in section 1954.52(a) “refers to certificates of occupancy issued prior to residential use of the unit.” (*Burien*, at p. 1042.) Before us, the Rent Board endorses this reading, while Landlords seek to limit and distinguish *Burien*.

A.

Landlords’ first argument is that the “plain language” of section 1954.52(a) compels a ruling in its favor because this first exemption unambiguously and categorically exempts properties receiving a certificate of occupancy after 1995. The problem with this statutory construction is that it is the same one the *Burien* court for good reason rejected. (*Burien*, *supra*, 230 Cal.App.4th at p. 1047.) We fail to see how the same statutory language can be read narrowly when applied to a condominium conversion in *Burien*—to reach only a certificate of occupancy that precedes residential use—but be read broadly to reach any certificate of occupancy after 1995 when, as here, a property owner converts a single-family home or rooming house to a triplex. It is the same statutory language in both cases. Landlords do not contend *Burien* was wrongly decided, and we see no principled basis for concluding that the nature of the residential use before or after conversion justifies a different construction of the statute.³ Landlords would have us ignore this

³ At oral argument, Landlords proposed a different construction—that we construe section 1954.52(a)(1) to cover any unit receiving a certificate of

issue by characterizing *Burien*'s holding as an "exception[]" to Costa-Hawkins that must be narrowly construed. But *Burien* does not carve out an exception to Costa-Hawkins, it interprets the exact statutory exemption that is at issue in this case.

Amici curiae California Apartment Association and San Francisco Apartment Association attempt to support Landlords' statutory construction by arguing that *Burien* erred in confining section 1954.52(a)'s first exemption to new construction. They contend that new construction is the subject matter of subdivision (a)(2), and that subdivision (a)(1) rests instead on a bright-line distinction between properties that have a certificate of occupancy after February 1, 1995 and properties that do not, regardless of when the properties are first put to residential use. We see two problems with this argument, besides its inconsistency with *Burien*.

First, amici curiae's reliance on section 1954.52, subdivision (a)(2) is misplaced. This second exemption in Costa-Hawkins continues protection from local rent control for units that were "newly constructed" *before* 1995—properties that were exempted by local rent-control ordinances when new, before the enactment of Costa-Hawkins. (§ 1954.52(a)(2).) Subdivision (a)(2) grandfathers in the exemption for these no-longer new buildings. Subdivision (a)(1), by contrast, protects buildings that are actually new, in that they first receive a certificate of occupancy for residential use *after* February 1, 1995.

occupancy after February 1, 1995 except where a current tenancy began before the new certificate of occupancy issued. This carve-out for holdover tenants would have provided relief to the individual who filed suit in *Burien* but would not have closed the section 1954.52(a)(1) loophole for condominium conversions, as *Burien* did. Landlords' belatedly proposed construction is inconsistent with much of the language and logic of *Burien* and fails to harmonize the first and third exemptions in section 1954.52(a).

Second, amici’s reliance on the distinction between a building receiving a certificate of occupancy and a building being newly constructed founders on legislative history that equates these two circumstances. A Senate Floor Analysis explained that the bill that became Costa-Hawkins would “[e]xempt *newly constructed units* from rent control.” (Sen. Rules Com., Off. of Sen. Floor Analysis of Assem. Bill No. 1164 (1995–1996 Reg. Sess.), date July 23, 1995, page 2 (Sen. Floor Analysis), italics added.) The context for this statement makes clear it was meant to describe the proposed provisions, then in final form, that would become section 1954.52, subdivisions (a)(1) and (a)(2).⁴ A similar analysis in the Assembly states the bill “[e]xempts from local controls *any new construction* which is issued a certificate of occupancy after February 1, 1995, and exempts from local controls any residential real property which is already exempt from local controls as of February 1, 1995 pursuant to a local exemption for newly-constructed units.” (Assem. Housing and Community Development Com., Concurrence in Sen. Amendments to Assem. Bill No. 1164 (1995–1996 Reg. Sess.), date July 24, 1995, at p. 4

⁴ This report was published as the Senate was considering whether to amend Assembly Bill No. 1164 to incorporate the provisions of Senate Bill No. 1257 (1995–1996 Reg. Sess.), which had passed the Senate and which “would: [¶] . . . Exempt newly constructed units from rent control. Preempt local rent control provisions which impose vacancy controls [¶] . . . [¶] . . . Preempt local rent controls on the rental of ‘single family’ dwellings [¶] . . . Leave intact local authority to regulate or monitor the grounds for eviction.” (Sen. Floor Analysis, at pp. 2–3.) After the Senate agreed to these amendments and Assembly Bill No. 1164 became law, the described provisions were codified, respectively, as Civil Code sections 1954.52(a)(1) & (2), 1954.53, 1954.52(a)(3), and 1954.52, subdivision (c). That no separate mention was made of certificates of occupancy in this otherwise comprehensive account of the contents of the bill confirms that the Legislature intended a “certificate of occupancy” to serve as a proxy for a “newly constructed unit[]” in section 1954.52(a)(1). (Sen. Floor Analysis, at p. 2.)

(Assem. Analysis), italics added.) This description clearly refers to proposed language that would become section 1954.52, subdivisions (a)(1) and (a)(2), respectively.

Driving home the emphasis on new construction, the same Assembly Analysis continued: of the fourteen cities that then imposed residential rent control, the *only ones that did “not exempt new construction* from rent control, and therefore, *would be affected* by this bill [were] East Palo Alto, Cotati (partial exemption) and Los Gatos (partial exemption).” (Assem. Analysis, *supra*, at p. 5, italics added.) “Proponents contend that a statewide new construction exemption is necessary to encourage construction of much needed housing units, which is discouraged by strict local rent controls,” this Analysis continued. (*Id.* at p. 7.) The Assembly, in other words, voted for Costa-Hawkins on the understanding that the first exemption in section 1954.52(a) would extend “statewide” an exemption for “new construction,” and would affect only those jurisdictions that did not already “exempt new construction from rent control.” (Assem. Analysis, at p. 7.)⁵

⁵ Landlords point to the legislative history of an earlier, unsuccessful effort to limit rent control as support for their reading of Costa-Hawkins’s first exemption. Assembly Bill No. 483 (1985–1986 Reg. Sess.) (Assem. Bill 483), by the same author, would have exempted rental units “first occupied by a tenant . . . after the effective date of the bill.” (Legislative Counsel’s Digest, Jan. 30, 1985.) Landlords assert that by later choosing different language for the first exemption in Costa-Hawkins, the Legislature evinced an intent to exempt a larger swath of properties than the newly occupied units described in Assem. Bill 483. The problem with this argument is that we have no way of knowing whether, when the Legislature chose different language for Costa-Hawkins, it was trying to convey the same idea as in Assem. Bill 483 with words it considered more precise or, as Landlords would have it, was trying to convey a different idea. We therefore find the Legislature’s unsuccessful effort to pass AB 483 unenlightening. (See *Reznitskiy v. County of Marin* (2022) 79 Cal.App.5th 1016, 1033 [unpassed

We recognize that a certificate of occupancy is sometimes required in the absence of new construction. Under the state Building Code, a certificate of occupancy must issue (1) before a building or portion of a building may be occupied *and* (2) when a change in the occupancy classification of an existing structure is made. (Cal. Code Regs., tit. 24, Part 2, § 111.1; 7 Miller and Starr, Cal. Real Estate (4th ed. 2022) § 25.40.) The first circumstance describes new construction, but the second does not, as it comes into play when a landowner converts residential space from one occupancy classification to another. As relevant here, the Building Code requires a certificate of occupancy when a single-family home is converted to a triplex, since a single-family home fits occupancy classification R-3 and a triplex, as a multiple dwelling unit, is occupancy classification R-2. (Cal. Code Regs., tit. 24, Part 2, § 310.) In parallel with the Building Code, the City of Berkeley’s “Guidelines for Issuance of Certificates of Occupancy,” *supra*, state, “projects which result in the construction of new buildings *or* changes in the existing use or occupancy classification of a building or portion thereof will be issued a separate certificate of occupancy by the City of Berkeley Building Official.” (Italics added.)

Nothing in the language of the statute or in the legislative history we have reviewed suggests that the Legislature considered that a certificate of occupancy would issue when space, already in residential use, was converted to a different category of residential use. On the contrary, the contemporaneous records of both the Senate and Assembly reveal that what the Legislature thought it was doing with section 1954.52(a)(1) was exempting new construction from local rent control, so long as a property

bills subject to conflicting inferences]; *Arnett v. Dal Cielo* (1996) 14 Cal.4th 4, 29 [“ ‘Unpassed bills, as evidences of legislative intent, have little value’ ”].)

owner played by the rules and obtained a certificate of occupancy. Consistent with this legislative understanding, and for all the compelling reasons given in *Burien*, we accordingly construe section 1954.52(a)(1) as “refer[ring] to certificates of occupancy issued prior to residential use” of the affected property. (*Burien, supra*, 230 Cal.App.4th at p. 1042.) This is a statutory construction that “furthers the purpose of the exemption by encouraging construction” of new buildings, as well as conversions that “add to the residential housing supply.” (*Id.* at p. 1047.) It is a construction that aligns with the words of the statute and harmonizes subdivision (a)(1) with the language added to subdivision (a)(3) in 2001. (*Burien*, at p. 1047.) And it is the construction that “ ‘comports most closely with the apparent intent of the Legislature’ ” as expressed in the legislative history, to exempt new construction statewide. (*Realmuto v. Gagnard* (2003) 110 Cal.App.4th 193, 199; see also *Lungren v. Deukmejian* (1988) 45 Cal.3d 727, 735 [“the ‘plain meaning’ rule does not prohibit a court from determining whether the literal meaning of a statute comports with its purpose”].)

B.

Landlords next contend that even if the first exemption in section 1954.52(a) applies only to those certificates of occupancy that precede residential use of a unit and expand the supply of housing, their properties in this case qualify for the exemption. Emphasizing that their buildings were run-down, unoccupied single-family homes, Landlords assert that they expanded and improved the living spaces, enabled the properties to house more people, and created triplex units that had not previously existed. This was no mere “ ‘paperwork’ ” conversion, Landlords persuasively contend. (*Burien, supra*, 230 Cal.App.4th at p. 1047.) We acknowledge the renovations were extensive and increased the ability of both buildings to house tenants,

but conclude the factual differences between this case and *Burien* do not compel a different result here.

Landlords assert that each property houses more tenants now than it could before the conversion. Each building has more or larger bedrooms; additional kitchens, living rooms, and bathrooms; and more square footage of habitable space than before the renovations. But in comparing the total livable space in the building before and after renovations, Landlords draw the wrong comparison. They ignore that the Rent Board properly determined one unit in each building is exempt from rent control as new construction. Landlords do not contend that if we were to consider only the two contested units in each building, these units can house more tenants than could the entire building in the years before its renovation. Our review of the record suggests this more appropriate comparison, had they made it, would not favor Landlords. We note, for example, that the square footage of residential space that Landlords added appears to be less than the square footage of the two units the Rent Board has already exempted from rent control.⁶

Landlords also assert their buildings were derelict and unoccupied before renovations began, in the case of Dana Street “unfit for human habitation.” To the extent Landlords contend that whenever renovations improve the condition of a rental property, those improvements take that property outside the reach of local rent control, Landlords offer no legal support for this contention. To the extent Landlords intend this line of

⁶ Landlords described the Dana Street project to the Zoning Appeal Board as adding about 1,245 square feet of floor space, with a new third-floor unit (later exempted from rent control) exceeding 1,700 square feet. And the Warring Street project they described as adding 645 square feet of new floor area, mostly in a basement unit that would total 1,254 square feet and that would later be exempted from rent control.

reasoning to apply only for renovations that are sufficiently extensive, they offer no principle to distinguish such renovations from renovations insufficient to invoke the exception. Also, any interpretation of Costa-Hawkins that allows the renovation of properties in poor condition to remove them from the reach of local rent control would perversely reward landlords for allowing rental units to decay to the point the buildings need extensive rehabilitation. We see no indication the Legislature intended that result here.⁷ Nor do we consider it significant that Landlords' properties were unoccupied when renovations began. Especially with buildings near campus that house a rotating cast of students, we can hardly infer from the absence of tenants immediately before renovations began that the buildings were in fact uninhabitable. Indeed, the City's assessment that Dana Street could not "be legally inhabited" appears to have been based on conditions in (or before) 2005, and yet all 12 Dana Street units were reportedly occupied between 2006 and 2008. And even if we were to conclude that Costa-Hawkins intended to reward Landlords for remedying the conditions that made the third floor of Dana Street an uninhabitable fire hazard by removing that portion of the building from rent control, well, the Rent Board has already taken this step.

In seeking factual support for their application of Costa-Hawkins, Landlords misinterpret the certificates of occupancy. They contend that their certificates issued as a result of "complete structure changes—resulting in highly expanded residential use." (*Italics omitted.*) But there is no reference anywhere on either certificate of any expansion in the residential use of these

⁷ The Legislature separately addressed the subject of dilapidated units in section 1954.52, subd. (d), but no party asserts that provision of Costa-Hawkins applies in this case.

buildings, and the reference on the certificates to a complete structural change is taken out of context. When a certificate of occupancy issues, it must include a dozen different pieces of information, including “a description of that portion of the structure for which the certificate is issued.” (Cal. Code Regs., tit. 24, Part 2, § 111.2.) Here, both certificates of occupancy indicate the new “Occupancy Group: R-2” and, for the “portion of the structure for which the certificate is issued,” state: “Entire structure. Change from 2-story single family residence to a triplex” (Warring) or “Complete structure change from single family dwelling to three unit residential building” (Dana). This language merely establishes, as to each certificate of occupancy, that it governs the entire building as opposed to only a portion of it, and that the building has been converted from a single-family residence to a triplex. This language says nothing about the extent of the physical changes that made the conversion possible.

Finally, Landlords suggest that because these certificates of occupancy recognize three new units, no one of which existed before the conversion, the units come within the first Costa-Hawkins exemption as it is construed in *Burien*. Landlords undercut their own argument, however, with an admission in their brief opposing an amicus brief filed by the City of Oakland and the City and County of San Francisco in support of the Rent Board. Landlords concede, in responding to the hypothetical of an owner who divided a two-bedroom unit into two one-bedroom units, that “*Burien’s* prohibition on paperwork conversions would likely cover this scenario.” But if converting a two-bedroom unit to two one-bedroom units does not remove a hypothetical property from the jurisdiction of the Rent Board, we fail to see how converting a property into three units that is either a single large unit or

many small units (depending whether one references legal or actual occupancy) could have any different effect.

Having walked back their final argument, Landlords appear to be relying on some mix of the arguments we have already rejected. Landlords contend their certificates of occupancy are not “based solely on a change in use from one type of residential housing to another” (quoting *Burien, supra*, 230 Cal.App.4th at p. 1047) because their projects undertook to do much more than merely convert to triplexes. But Landlords have not established that modestly expanding the living space or extensively renovating the buildings suffices to remove all six of the new units from the reach of local rent control, rather than the single unit in each building that was properly deemed exempt. In sum, we see no reason to abandon the statutory construction of Costa-Hawkins’s first exemption that was adopted in *Burien*, and we agree with the Rent Board that, applying that construction here, only one of three units in each of Landlords’ buildings is exempt from local rent control.

C.

Landlords also contend that Resolution 17-13 “conflicts with Costa-Hawkins on its face and as applied,” and leads to an application of the Rent Ordinance that is contrary to Costa-Hawkins. Resolution 17-13 is thus preempted by state law, as is the Rent Ordinance as applied here, they contend. The conclusions we have already reached about the first exemption in section 1954.52(a) make quick work of these contentions.

Local governments may make and enforce rent control “ordinances and regulations not in conflict with” state law. (Cal. Const., art. XI, § 7; see also *Birkenfeld v. City of Berkeley* (1976) 17 Cal.3d 129, 140.) If Resolution 17-13 or the Rent Ordinance were to conflict with Costa-Hawkins, they would be to

that extent without effect. This much is clear from the opening words of section 1954.52(a): “Notwithstanding any other provision of law”

But we see no inconsistency between Costa-Hawkins, properly construed, and Resolution 17-13. Resolution 17-13 interprets the Rent Ordinance in terms drawn directly from *Burien, supra*, 230 Cal.App.4th at p. 1042. “A rental unit with a certificate of occupancy issued after residential use of the unit began shall not qualify as exempt” from Berkeley rent control, states Resolution 17-13. Reaffirming *Burien* today, we find no conflict between the principle articulated in Resolution 17-13 and Costa-Hawkins. We thus reject the facial and as-applied challenges to Resolution 17-13 and the Rent Ordinance it construes.

DISPOSITION

The judgment of the trial court is affirmed. Appellants are to pay costs on appeal.

TUCHER, P.J.

WE CONCUR:

FUJISAKI, J.
PETROU, J.

Trial Court: Alameda County Superior Court

Trial Judge: Hon. Stephen D. Kaus

Counsel: Zacks, Freedman & Patterson, Scott A. Freedman, and
Emily L. Brough for Plaintiffs and Appellants

Dowling & Marquez, Curtis F. Dowling for California
Apartment Association and San Francisco Apartment
Association as Amici Curiae on behalf of Plaintiffs and
Appellants

City of Berkeley Rent Stabilization Board, Matthew Brown,
Matthew Jay Siegel, Hannah Kim; Goldfarb & Lipman
and James T. Diamond, Jr. for Defendants and
Respondents

Barbara J. Parker City Attorney, Maria Bee, Chief
Assistant City Attorney, Laura Lane, Supervising
Deputy City Attorney, and Braz Shabrell, Deputy City
Attorney (City of Oakland); David Chiu, City Attorney,
Yvonne Mere, Chief Deputy City Attorney, Tara
Steeley, Deputy City Attorney, and Manu Pradhan,
Deputy City Attorney (City & County of San Francisco)
for City of Oakland and City of San Francisco as Amici
Curiae on behalf of Defendants and Respondents

SUPREME COURT
FILED

Court of Appeal, First Appellate District, Division Three - No. A163003

JUN 21 2023

S279581

Jorge Navarrete Clerk

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

NCR PROPERTIES, LLC, Plaintiff and Appellant,

v.

CITY OF BERKELEY et al., Defendants and Respondents;

SYDNEY LEE et al., Real Parties in Interest.

2504 DANA STREET, LLC et al., Plaintiff and Appellant,

v.

CITY OF BERKELEY et al., Defendants and Respondents;

GLORIA CHEN et al., Real Parties in Interest.

The petition for review is denied.

GUERRERO

Chief Justice



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

Monday, July 24, 2023 – 5:30 p.m.

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

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/83605652249?pwd=Y1BZd2lBYlZZZVNmaFpUMzIzanBrdz09>. 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: 836 0565 2249 and Passcode: 680092. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an email comment for the Committee's consideration and inclusion in the public record, email mbrown@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR LIRA COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 3:30 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting and all rules of procedure and decorum apply for both in-person attendees and those participating by teleconference or videoconference.

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



COMMUNICATION ACCESS INFORMATION:

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

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



Rent Stabilization Board

RENT STABILIZATION BOARD

LEGISLATION, IRA / AGA & REGISTRATION COMMITTEE MEETING

Monday, July 24, 2023 – 5:30 p.m.

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

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 the agenda
4. Approval of minutes from the May 2, 2023 meeting (Attached to agenda)
5. Public Comment
6. Discussion and possible action regarding sanction options for failure to produce Vacancy Registration Forms for current tenancies (See attached staff report)
7. Discussion and possible action regarding the status of changes to Regulations 525, 1205, and 1210 that the LIRA Committee approved but the full Board did not
8. Discussion and possible action regarding future agenda items
 - ➔ Expansion or extension of certain City services to all residents (Commissioner Kelley)
 - ➔ Potential Rules and/or Regulations for digital or keyless entry (Commissioner Kelley)
 - ➔ Potential Regulation regarding Occupancy Subleases (Commissioner Johnson/Alpert)
 - ➔ Inventory of Proposed Amendments to the Ordinance (Commissioner Alpert)
 - ➔ Potential items for the 2024 ballot initiatives (Commissioner Alpert)
9. Confirm next meeting date
10. Adjournment

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



RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING

Monday, September 11, 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.

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/87144040990?pwd=dG9YUzBZTTNHNSUpeVFfaYUZqSjVZdz09>.

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: 871 4404 0990 and Passcode: 682725. 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.

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
OUTREACH COMMITTEE MEETING

Monday, September 11, 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 July 18, 2023 Meeting (3 min)
5. Public Comment (5 min)
6. Tenant Survey Final Report for Sept. 21 Board Meeting (30 min)
7. 2022/2023 Counseling Data (calls, emails, appts. counseling cases) (15 min)
8. Rent Board Outreach Activities and Metrics Tracking (10 min)
9. Eviction Moratorium Outreach Efforts Update (10 min)
 - Update on Ads on AC Transit Buses and Bus Shelters
 - Exploring Radio Spots and Robo Calls.
10. Next Meeting October 16, 2023 (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



RENT STABILIZATION BOARD
AD HOC COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY

Wednesday, September 6, 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/86590265329?pwd=dCtYaUR1SmZ2Rmx3aFFIZnU4b2dkdz09>. 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 1-408-638-0968 and enter Webinar ID: 865 9026 5329 and Passcode: 735531. 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@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR AD HOC COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY". 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
AD HOC COMMITTEE ON ENVIRONMENTAL SUSTAINABILITY

Wednesday, September 6, 2023 – 5:30 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. Public Comment (5 min.)
5. Approval of June 28, 2023 Meeting Minutes (2 min.)
6. Presentation from City of Berkeley Office of Energy & Sustainable Development (45 min.)
7. Future Agenda Items (10 min.)
8. Announcements (5 min.)
9. Adjournment (2 min.)

STAFF CONTACT: Nathan Dahl, Public Information Unit Manager (510) 981-4935
COMMITTEE: Ida Martinac (Chair), Stefan Elgstrand, Xavier Johnson, Andy Kelley