



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

Thursday, October 10, 2024 – 5:30 p.m.

Rent Stabilization Board Conference Room A – 2000 Center Street, Suite 400, Berkeley
Teleconference location: 1418-A 67th 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/81572122377?pwd=fkctPnOprCGWG7Ve6gj8bm0GCUyF4g.1>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 815 7212 2377 and Passcode: 020329. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit an email comment for the Committee's consideration and inclusion in the public record, email mbrown@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR LIRA COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 3:30 p.m. on the day of the Committee meeting in order to be included.**

Please be mindful that this will be a public meeting and all rules of procedure and decorum apply for both in-person attendees and those participating by teleconference or videoconference.

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



COMMUNICATION ACCESS INFORMATION:

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

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



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

Thursday, October 10, 2024 – 5:30 p.m.

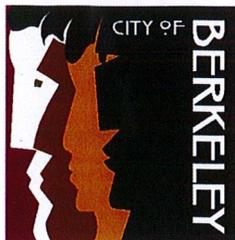
Rent Stabilization Board Conference Room A – 2000 Center Street, Suite 400, Berkeley

Teleconference location: 1418-A 67th Street, 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 the minutes of the September 5, 2024 meeting (See attached)
5. Public Comment
6. Discussion and possible action to recommend that full Board approve publication of the 2025 Annual General Adjustment at the October 17, 2024 meeting (see attached Staff Report)
7. Discussion and possible action to recommend that full Board approve the 2024 Annual Inflationary Adjustment of the Owner Move-In and Ellis Act Relocation Assistance payments at the October 23, 2023 meeting (see attached Staff Report)
8. Discussion and possible action regarding adding an official comment period for representatives of the City of Berkeley employee unions at regular Board meetings (see attached Item)
9. Discussion and possible action regarding the agency's practices for gathering data on Berkeley rental housing from City of Berkeley departments.
10. Discussion and possible action regarding future agenda items
11. Confirm next meeting date
12. Adjournment

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



Rent Stabilization Board

RENT STABILIZATION BOARD

LEGISLATION, IRA / AGA & REGISTRATION COMMITTEE MEETING

Thursday, September 5, 2024 – 5:30 p.m.

Rent Stabilization Board Conference Room A – 2000 Center Street, Suite 400, Berkeley

Teleconference location: 1418-A 67th Street, Berkeley, CA

Minutes – *Unapproved*

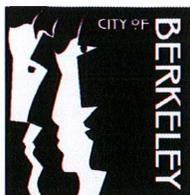
1. Roll call: General Counsel Brown opened the meeting at 5:45 pm.
Members Present: Alpert, Kelley, Martinac, and Mizell.
Staff Present: M. Brown, and O. Ehlinger.
2. Land Acknowledgment Statement: The recording of the Land Acknowledgment Statement was played.
3. Approval of the agenda: Motion to approve the agenda. Roll call vote. Carried: 4-0-0-0.
4. Approval of the minutes of the April 9, 2024 meeting: Motion to Approve the Minutes as Drafted. Roll call vote. Carried: 4-0-0-0.
5. Public Comment: No Public Comment
6. Discussion and possible action regarding adding an official comment period for representatives of the City of Berkeley employee unions at regular Board meetings: The Committee discussed the item. Motion to direct staff to draft a report on adding an official comment period for representatives of the City of Berkeley employee unions at regular Board meetings. Carried: 4-0-0-0.
7. Discussion and possible action regarding future agenda items: Committee Chair Kelley informed the committee that he would add discussion of bulk waste pickup for tenants to the agenda when this item was ready for discussion. Commissioner Alpert asked for a report on the agency’s practices regarding gathering data on Berkeley Rental Housing from other City departments. The Board took no action on this item.
8. Confirm next meeting date: The Committee agreed to meet on Thursday, October 10, 2024 at 5:30 p.m.

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9. Adjournment: Motion to Adjourn. Roll call vote. Carried: 4-0-0-0. Meeting adjourned at 6:16 p.m.

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

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



Rent Stabilization Board
Legal Unit

MEMORANDUM

DATE: October 10, 2024

TO: Honorable Members of the LIRA Committee

FROM: Matt Brown, General Counsel *MB*

SUBJECT: 2025 ANNUAL GENERAL ADJUSTMENT STAFF REPORT

Recommendation

That the LIRA Committee recommend that the Board adopt a resolution to publish and publicize that, pursuant to Berkeley Municipal Code section 13.76.110, the annual general adjustment (AGA) of rent ceilings for 2025 is an upward adjustment of **2.1%**.

I. Background

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

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

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

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

The U.S. Department of Labor, Bureau of Labor Statistics, has reported that for the twelve-month period ending June 30, 2024, the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose region increased from 340.056 to 351.064, an increase of 11.008 points. Thus, the relevant CPI from June 2023 (340.056) to June 2024 (351.064) has increased by 3.2%.¹ (See Attachment 1.) Under Berkeley Municipal Code section 13.76.110.A, the AGA for 2025 is **2.1%** (i.e., 65% of 3.2 = 2.08 rounded to the nearest tenth decimal place).

Accordingly, effective January 1, 2025, the 2024 rent ceilings for all controlled rental units, except those for which an initial rent was established between January 1, 2024 and December 31, 2024, shall be increased by **2.1%**.

III. Conditions for Taking the Annual General Adjustment

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

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

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

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

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

¹ While the actual difference is 3.2371%, it has been the Board's practice to base the 65% calculation on the CPI percentage increase rounded to the nearest tenth decimal place.

IV. Staff Review

Staff has reviewed the Consumer Price Index figures published by the U.S. Department of Labor, Bureau of Labor Statistics and confirms that, pursuant to Berkeley Municipal Code section 13.76.110.A, the 2025 AGA is an increase of **2.1%**. Staff recommends that the Board adopt Resolution 24-XX to publish the 2025 AGA as Regulation 1147 and to direct staff to publicize the 2025 AGA in a manner reasonably calculated to notify all affected persons of the terms of the 2025 Annual General Adjustment no later than November 30, 2024.

Attachments

1. U.S. Department of Labor, Consumer Price Index, All Urban Consumers (CPI), San Francisco-Oakland-San Jose, CA., All items, June 2020 - June 2024
2. Proposed Resolution 24-XX Confirming that the 2025 Annual General Adjustment Increases Rent Ceilings by **2.1%** and Publishing the 2025 AGA as Regulation 1147
3. Proposed 2025 Annual General Adjustment (AGA) Order – Regulation 1147



U.S. BUREAU OF LABOR STATISTICS

Databases, Tables & Calculators by Subject

Data extracted on: September 11, 2024 (11:46:24 AM)

CPI for All Urban Consumers (CPI-U)

Series Id: CUURS49BSA0

Not Seasonally Adjusted

Series Title: All items in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted**Area:** San Francisco-Oakland-Hayward, CA**Item:** All items**Base Period:** 1982-84=100Download: [XLS](#) [XLSX](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2020		299.690		298.074		300.032		300.182		301.736		302.948	300.084	299.109	301.059
2021		304.387		309.419		309.497		311.167		313.265		315.805	309.721	306.724	312.718
2022		320.195		324.878		330.539		328.871		332.062		331.222	327.060	323.408	330.711
2023		337.173		338.496		340.056		340.094		341.219		339.915	339.050	337.689	340.411
2024		345.151		351.247		351.064		349.290						347.857	

12-Month Percent Change

Series Id: CUURS49BSA0

Not Seasonally Adjusted

Series Title: All items in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted**Area:** San Francisco-Oakland-Hayward, CA**Item:** All items**Base Period:** 1982-84=100Download: [XLS](#) [XLSX](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2020		2.9		1.1		1.6		1.6		1.1		2.0	1.7	2.0	1.4
2021		1.6		3.8		3.2		3.7		3.8		4.2	3.2	2.5	3.9
2022		5.2		5.0		6.8		5.7		6.0		4.9	5.6	5.4	5.8
2023		5.3		4.2		2.9		3.4		2.8		2.6	3.7	4.4	2.9
2024		2.4		3.8		3.2		2.7						3.0	

RESOLUTION 24-XX

CONFIRMING THAT THE 2025 ANNUAL GENERAL ADJUSTMENT (AGA) INCREASES RENT CEILINGS BY 2.1 PERCENT AND ORDERING THAT THE 2025 AGA BE PUBLISHED AS REGULATION 1147

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

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

WHEREAS, the U.S. Department of Labor, Bureau of Labor Statistics, has reported that the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region for the twelve-month period ending June 30, 2024, has increased by 3.2 percent from 340.056 to 351.064; and,

WHEREAS, 65 percent of 3.2 percent results in an upward adjustment of 2.1 percent, when rounded as required by Berkeley Municipal Code section 13.76.110; and,

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

NOW, THEREFORE BE IT RESOLVED by the Rent Stabilization Board that the 2025 Annual General Adjustment of 2.1% shall be published as Rent Board Regulation 1147 and that Rent Board staff shall publicize the 2025 Annual General Adjustment in a manner reasonably determined to notify all affected persons of the terms of the 2025 Annual General Adjustment no later than November 30, 2024.

Dated: October 17, 2024

Adopted by the Rent Stabilization Board by the following vote:

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

Leah Simon-Weisberg, Chairperson
Rent Stabilization Board

Attest: _____
DeSeana Williams, Executive Director

1147. ANNUAL GENERAL ADJUSTMENT ORDER FOR 2025

(A) In accordance with Section 11 of the Rent Stabilization and Eviction for Good Cause Ordinance as amended and Board Regulation 1100, the Rent Stabilization Board hereby adjusts the Year 2024 Rent Ceilings (exclusive of temporary increases in rent ceilings) upward by 2.1% for all rental units covered by the Ordinance, except those rental units for which an Initial Rent was established pursuant to the Costa-Hawkins Rental Housing Act on or after January 1, 2024.

The Year 2024 Rent Ceiling is defined as the Base Rent Ceiling established in Section 10 of the Ordinance or, for units where an Initial Rent was established between January 1, 1996 and December 31, 2023, the last Initial Rent established pursuant to the Costa-Hawkins Rental Housing Act, plus any adjustment of the Base Rent Ceiling granted by the Board.

(B) The adjustment granted by this Order shall become effective on January 1, 2025, provided the landlord is otherwise entitled to the adjustment pursuant to the provisions of the Ordinance and this Order. The rent ceiling adjustment granted herein shall not apply to the rent ceiling of any rental unit for which an Initial Rent was established pursuant to the Costa-Hawkins Rental Housing Act on or after January 1, 2024.

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

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

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

Thirty-Day Notice of Rent Increase

This notice is provided pursuant to the 2025 Annual General Adjustment (AGA) Order of the Rent Stabilization Board.

Tenant's name: _____

Street address: _____ Unit No. _____

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

[The 2025 AGA Order adjusts 2024 rent ceilings by 2.1%]

Your rent will increase by \$ _____ pursuant to the 2025 AGA Order.

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

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

Date

Landlord/Manager

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

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

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

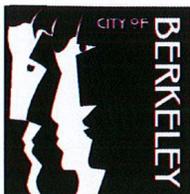
(1) Has failed to register any rental unit on the property in accordance with Section 8 of the Ordinance and/or orders or regulations of the Board, including the requirement to file a vacancy registration form at the beginning of a new tenancy commencing on or after January 1, 1996; or

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

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

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

(H) The amount of this general adjustment for which the landlord shall be eligible shall decrease by ten percent (10%) per month for each month beyond October 1, 2024, for which the landlord fails to register. A landlord who is ineligible to raise rents under this general adjustment due to a violation of one or more of the conditions of subsection (G) shall be able to raise rents under this adjustment in future years upon correction of the condition and substantial compliance with the Ordinance in accordance with Civil Code section 1947.7.



Rent Stabilization Board

M E M O R A N D U M

DATE: October 10, 2024

TO: Honorable Members of the LIRA Committee

FROM: Matt Brown, General Counsel 

SUBJECT: 2025 INFLATIONARY ADJUSTMENT OF RELOCATION ASSISTANCE PAYMENTS

Recommendation

That the LIRA Committee recommend that the Board adopt Resolution 24-XX to publish that, pursuant to Berkeley Municipal Code sections 13.76.130.A.9.h (Owner Move-In), and 13.77.055.A.2 (Ellis Act), the relocation assistance payments set forth in sections 13.76.130.A.9.g. (Owner Move-In) and 13.77.055.A (Ellis Act) shall increase by **3.2%** effective January 1, 2025.

I. Background

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

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

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

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

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

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

The U.S. Department of Labor, Bureau of Labor Statistics, has reported that for the twelve-month period ending June 30, 2024, the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose region increased from 340.056 to 351.064, an increase of 11.008 points. Thus, the relevant CPI from June 2023 (340.056) to June 2024 (351.064) has increased by 3.2%.² (See Attachment 1.)

The current relocation assistance payment amounts are \$18,533 for standard relocation and an additional \$6,177 for qualifying tenant households. In accordance with the 3.2% increase in CPI, effective January 1, 2025, the relocation assistance payment amounts set forth in section 13.76.130.A.9.g. (Owner Move-In), are increased to **\$19,126** for the standard relocation payment with an additional **\$6,375** for qualifying tenant households following Board action to approve the attached Resolution. Likewise, the relocation assistance payment amounts set forth in section 13.77.055.A (Ellis Act) shall be **\$19,126** for the standard relocation payment with an additional **\$6,375** for qualifying tenant households following Board action to approve the attached Resolution.

III. Staff Review

Staff has reviewed the Consumer Price Index figures published by the U.S. Department of Labor, Bureau of Labor Statistics and confirms that, pursuant to Berkeley Municipal Code sections 13.76.130.A.9.h (Owner Move-In), and 13.77.055.A.2 (Ellis Act), the 2024 relocation payments are subject to an increase of **3.2%** effective January 1, 2025. Staff recommends that the Board adopt Resolution 24-XX to publish the 2025 Relocation Assistance Payment Amounts no later than October 31, 2024, and to direct staff to advise the interested public regarding these changes.

Attachments

1. U.S. Department of Labor, Consumer Price Index, All Urban Consumers (CPI), San Francisco-Oakland-San Jose, CA., All items, June 2020 - June 2024.
2. Proposed Resolution 24-XX Confirming that the 2025 Relocation Assistance Payments for Owner Move-In and Ellis Act Shall Increase by 3.2 Percent Effective January 1, 2025 and Publishing the 2025 Relocation Payment Amounts.

² While the actual difference is 3.2371%, it has been the Board’s practice to base the 65% calculation on the CPI percentage increase rounded to the nearest tenth decimal place.



U.S. BUREAU OF LABOR STATISTICS

Databases, Tables & Calculators by Subject

Data extracted on: September 11, 2024 (11:46:24 AM)

CPI for All Urban Consumers (CPI-U)

Series Id: CUURS49BSA0

Not Seasonally Adjusted

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

Area: San Francisco-Oakland-Hayward, CA

Item: All items

Base Period: 1982-84=100

Download: [XLS](#) [xlsx](#)

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12-Month Percent Change

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Not Seasonally Adjusted

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

Area: San Francisco-Oakland-Hayward, CA

Item: All items

Base Period: 1982-84=100

Download: [XLS](#) [xlsx](#)

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2022		5.2		5.0		6.8		5.7		6.0		4.9	5.6	5.4	5.8
2023		5.3		4.2		2.9		3.4		2.8		2.6	3.7	4.4	2.9
2024		2.4		3.8		3.2		2.7						3.0	

RESOLUTION 24-XX**CONFIRMING THAT THE 2025 RELOCATION ASSISTANCE PAYMENTS FOR OWNER MOVE-IN AND ELLIS ACT EVICTIONS SHALL INCREASE BY 3.2 PERCENT EFFECTIVE JANUARY 1, 2025, AND PUBLISHING THE 2025 RELOCATION PAYMENT AMOUNTS**

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

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

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

WHEREAS, the U.S. Department of Labor, Bureau of Labor Statistics, has reported that the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region for the twelve-month period ending June 30, 2024, has increased by 3.2 percent from 340.056 to 351.064; and,

WHEREAS, a 3.2 percent increase in the current Owner Move-In and Ellis Act Relocation Assistance Payment Amounts of \$18,533 and an additional \$6,177 for eligible tenant households yields a 2025 Relocation Assistance Payment amount of \$19,126 and an additional \$6,375 for qualifying tenant households; and,

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

NOW, THEREFORE BE IT RESOLVED by the Rent Stabilization Board that the 2025 Relocation Assistance Payments required for Owner Move-In evictions and Ellis Act evictions shall be adjusted upward by 3.2% effective January 1, 2025, and Rent Board staff shall publicize the 2025 Relocation Assistance Payments in a manner reasonably determined to notify all affected persons. A 3.2 percent increase in the current Owner Move-In and Ellis Act Relocation Assistance Payment Amounts of \$18,533 and an additional \$6,177 for eligible tenant households yields a 2025 Relocation Assistance Payment amount of \$19,126 and an additional \$6,375 for qualifying tenant households.

RESOLUTION 24-XX

CONFIRMING THAT THE 2025 RELOCATION ASSISTANCE PAYMENTS FOR OWNER MOVE-IN AND ELLIS ACT EVICTIONS SHALL INCREASE BY 3.2 PERCENT EFFECTIVE JANUARY 1, 2025, AND PUBLISHING THE 2025 RELOCATION PAYMENT AMOUNTS (Page 2)

Dated: October 17, 2024

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

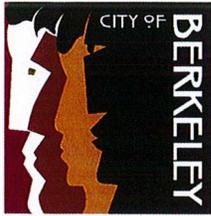
ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chairperson
Rent Stabilization Board

Attest:

DeSeana Williams, Executive Director



Rent Stabilization Board

City of Berkeley
RENT STABILIZATION BOARD
BOARD MEETING PROCEDURES

Adopted November 1994

Revised November 2014

Updated November 2016

Updated February 2019

Updated March 2019

Updated April 2019

These procedures are adapted from Robert's Rules of Order. The Board may modify these rules at any time by a majority vote.

REGULAR AND SPECIAL MEETINGS OF THE FULL BOARD

DEBATE AND VOTING

1. Order of Debate. The chair will call upon individual Board members and give them the floor in the order that members have raised their hand to indicate a desire to speak. Since several hands may be raised at once on either side of the Chair, the Chair's determination is final in determining order of debate.
2. It is not necessary for all Board members to speak. It is not necessary for every member to speak, or give their viewpoints on every issue or item on the agenda, especially if their concerns have already been addressed by other Board members. On critical or significant issues, all members will undoubtedly want to indicate individual opinions on the issue but Board members should avoid repetitious debate and should strive to move the debate along promptly.
3. When an agenda item is called, the Chair will call for a staff report. After the staff report, the Board members may ask staff brief questions to clarify facts, but, if there is public input, should not engage in discussion or debate of the issue prior to any public input.
4. Preliminary straw votes. At the conclusion of public input and during the debate the Chair may request preliminary straw votes if it will assist the Board in framing motions.
5. The Board shall debate and discuss issues audibly. Board members should speak clearly into the microphone and avoid "off-mike" and individual conversations during public input and debate.

6. The Chair may move, second and debate from the chair, subject only to these rules. The Chair shall not be deprived of any of the rights and privileges of a Board member. The Chair customarily will take the floor after other Board members who wish to have spoken.
7. Division of a motion. If a motion contains two or more divisible parts, each of which is capable of standing as a complete motion, the Chair may, and upon request of a member shall, divide the same.
8. Withdrawal of motion. A motion may not be withdrawn by the maker without the consent of the Board member seconding it.
9. Correction of a vote. Board members may correct an erroneously cast or recorded vote before the next item on the agenda is called.
10. Voting. On the passage of every motion, the vote shall be taken by voice or roll call vote, determined by Chair, and entered in full upon the record. It is recommended, for record keeping purposes, that a roll call vote be taken when voting on resolutions, fees, budgetary matters, appeals and other action items as deemed appropriate by the Chair.
11. Silence during a voice vote constitutes an affirmative vote. Board members who are silent during a voice vote shall have their vote recorded as an affirmative vote, except when individual Board members have stated in advance they will not be voting.
12. Abstention from vote. A Board member may abstain from voting on any issue, for any reason and should state his or her reason for abstaining. Abstentions do not change the number of votes required for a motion to pass.
13. Not participating - recusals. A Board member who has disqualified (recused) himself or herself pursuant to the Political Reform Act of 1974 because of any financial interest may not participate in the discussion or the vote, or attempt to influence the vote in any way. Commissioners are expected to be familiar with Berkeley's Conflict of Interest Code and the Political Reform Act of 1974, and are encouraged to discuss any potential conflict with the staff attorney prior to the meeting.
14. Tie votes. Tie votes generally mean that no action has been taken on a matter. In the case of an appeal, a tie vote generally signifies that the underlying action stands. Tie votes may be reconsidered on a motion by any member of the Board before the next item on the agenda. In the event of a tie vote, any member of the Board may make a motion to continue the matter to another date. Any continuance shall suspend the running of any time in which action of the Board is required by law. Nothing herein shall be construed to prevent any Board member from placing a matter which resulted in a tie vote on a subsequent agenda.
15. Motion to reconsider. A motion to reconsider any action taken by the Board may be made only during the meeting when the action was taken. A motion to reconsider

requires a second, is debatable and is not amendable. Such motion must be made by a Board member who was on the prevailing side, but may be seconded by any Board member. A motion to reconsider may be made at any time during the meeting and shall have precedence over all other motions. The purpose of reconsideration is to bring back the matter for review. If a motion to reconsider fails, it may not itself be reconsidered. Reconsideration may not be moved more than once on the same motion.

16. Appealing the decision of Chair. The Chair shall decide all questions of debate and voting procedure, subject to appeal by a Board member to the whole Board. When in doubt, the Chair may submit the question to the Board, in which case a majority vote shall prevail. Any procedural decision or ruling of the Chair may be appealed by request of any member. The Chair shall call for a roll call to determine if the Chair's ruling shall be upheld. If said vote passes or results in a tie vote, the Chair's ruling shall stand. If said vote fails, the decision or ruling of the Chair is reversed.
17. Getting the floor. Every Board member desiring to speak shall raise their hand and, upon recognition by the Chair, every Board member shall focus their remarks to the question under debate, avoiding disrespectful remarks or body language.
18. Interruptions. Except for being called to order, a Board member once recognized, shall not be interrupted when speaking, except as otherwise provided for in these rules. A Board member called to order while speaking shall cease speaking until the question or order is determined, and, if in order, said Board member shall be permitted to proceed.
19. There shall be no voting by secret ballot.

MOTIONS

1. The Chair shall ensure that all motions are clearly stated. Before allowing debate to begin and immediately before a vote is taken, the Chair shall insure that all motions are clearly stated. The Chair may request a Board member to restate a motion for clarification may restate the motion or ask staff to restate the motion.
2. Motions defined. The following motions may be made by the Board:
 - a. The main motion. A main motion is a motion on the issue before the Board. It needs a second, is amendable with the consent of the maker and seconder ("friendly amendment"), and is debatable.
 - b. Substitute motion. A substitute motion may be offered on an issue if the maker and seconder of the main motion do not accept a friendly amendment, or to propose an entirely different action. The motion requires a second, is amendable with the consent of the maker and seconder ("friendly amendment"), and is debatable. There may be only one substitute motion considered at a time. A vote is taken on the substitute motion first. If that

substitute motion fails, another substitute motion may be proposed. If no other substitute motion is proposed, a vote is taken on the main motion. If the substitute motion passes, no vote is taken on the main motion.

- c. Fix the time to which to adjourn the meeting to another date. A motion to fix the time to which to adjourn requires a second, is amendable and is debatable only as to the time to which the meeting is adjourned. The purpose is to set a time for continuation of the meeting to another date.
- d. Motion to adjourn the present meeting. This motion requires a second and is not debatable. A motion to adjourn shall be in order at any time, except as follows: (1) when repeated without intervening business or discussion; (2) when made as an interruption of a member while speaking; (3) when the question has been called; and (4) while a vote is being taken.
- e. Motion to take recess. A motion to take a recess requires a second, is amendable but is not debatable. The purpose is to interrupt the meeting for a brief recess.
- f. Motion to raise a question of personal privilege. A motion to raise a question of personal privilege takes precedence over all other motions. The right of a Board member to address the Board on a question of personal privilege shall be limited to cases in which the Board member's integrity, character or motives are directly questioned by another Board member during debate. The maker of the motion may interrupt another speaker if the Chair recognizes the "privilege." The motion does not require a second, is not amendable and is not debatable.
- g. Motion to call for the order of the agenda. A motion to call for the order of the agenda does not require a second, is not amendable and is not debatable. The purpose is to require adherence to the order of the agenda.
- h. Motion to lay on the table. The purpose is to interrupt discussion of the item at hand for more urgent business or to end consideration of an item without action. A motion to lay on the table requires a second, is not amendable and is not debatable. It shall preclude all amendments or debate of the subject under consideration. If the motion prevails, and the subject is tabled, the matter may be taken from the table at any time prior to the end of the meeting.
- i. Motion to call the question. The purpose of this motion is to close debate on the pending motion. To make a motion to call the question, the Board member must be recognized by the Chair. A motion to call the question requires a second, is not debatable and is not amendable. It applies to all previous motions on the subject unless otherwise specified by the maker of the motion. If the motion fails, debate is reopened; if the motion passes, then the Board votes on the pending motion. A motion to call the question requires a two-thirds vote of those Board members present and voting.

- j. Motion to continue to a certain time. A motion to continue to a certain time is amendable and is debatable as to propriety of postponement and time set. Purpose is to continue the matter to another specified time.
- k. Motion to refer. Motion to refer to a City agency, body, committee, board, commission or staff. A motion to refer requires a second, is amendable, and is debatable only as to the propriety of referring. Purpose of the motion is to send subject to another city agency, body committee, board, commission or staff member for further study and report back to the Board, at which time the subject is fully debated.

CLOSED SESSION

1. Purpose. It is the policy of the Board to conduct its business in public to the greatest extent possible. However, the Board recognizes that, in certain limited circumstances, public discussion jeopardizes the public interest, compromises the Board's position, and could cost the Rent Program a significant amount of money. Therefore, closed sessions, Board meetings not open to the public, will be held as necessary and in accordance with applicable state laws.
2. Rule of Confidentiality. The Board recognizes that breaches in confidentiality can severely prejudice the Board's position in litigation, potential litigation and other negotiations. Further, breaches of confidentiality can create a climate of distrust among Board members and can harm the Board's ability to communicate openly in closed sessions, thereby impairing the Board's ability to perform its official duties.

The Board further recognizes that confidentiality of discussion and documents are at the core of a closed session. Confidentiality is essential if the closed session is to serve its purpose. Therefore, the Board will adhere to a strict policy of confidentiality of closed sessions with authorized disclosure in strict compliance with the state's Brown Act.

SETTING THE AGENDA

1. The Chair, in consultation with the Executive Director, shall be responsible for setting the agenda.
2. Any individual commissioner may place an item on any Board agenda subject to the following:
 - a. The item must be submitted to the Executive Director by the deadline established for placing items on the agenda, which is 5:00 p.m. on the Monday of the week prior to a regular Thursday meeting. For meetings not on a Thursday, the deadline is seven business days prior to the meeting at 5:00 p.m., unless otherwise established by the Chair and the Executive Director.

- b. The item must be presented in writing, preferably as a part of the agenda packet that is sent out at least 72 hours before the meeting.
 - c. The goal is to have the agenda published by the Friday prior to the Thursday meeting.
 - d. If the item has not been referred to a committee previously, the Board will decide if it is an appropriate issue for the Rent Board, and if so, whether it should be discussed at the time or referred to a committee first.
 - e. A time limit may be established for the committee to report back to the full Board. If the committee does not make a recommendation or report back by the deadline established by the Board, the item will be placed on the next full Board agenda. If the committee cannot reach a majority position on an item, the item may be returned to the full Board by any commissioner or the Executive Director.
 - f. An item on an issue that has not been to a committee or before the full Board previously requires at least two sponsors to place it directly on the action agenda.
 - g. In the event a Commissioner has no co-sponsor, an individual Commissioner may submit an item directly on the action agenda but will only be permitted three minutes or fewer to discuss the item. The Board shall decide by vote after the three minutes whether to continue to discuss the item at that or a future meeting or whether the matter should be referred to a committee first.
 - h. Any item may be moved from information to action at the Board meeting by consent of the Board, or if there is an objection, by a majority of the Board.
3. During no more than two meetings of the full Board in each calendar year, the agenda shall reserve a period of public comment for officers of the unions which officially represent Rent Board employees, with five minutes allocated per union. The agenda for that meeting shall indicate that any eligible union which intends to make a public comment pursuant to this procedure must email the name of the officer who will to the Board Secretary at least 24 hours prior to the meeting start time.
4. When producing paper and electronic versions of the Board agenda packet, staff's process is amended as follows:
 - a. News articles submitted as Information Items will be enumerated in the "Information and Announcements" section of the agenda with hyperlinks provided and will generally not be printed for hard-copy agenda packets. Extremely large attachments will be provided as hyperlinks on the agenda but not printed for the hard-copy agenda packets, at the Executive Director's discretion.
 - b. The PDF copy of the agenda packet posted on the Rent Board website will not be bookmarked and will include attachments but no reproductions of news articles (live hyperlinks will be provided instead).

COMMITTEE APPOINTMENTS AND MEETINGS

1. The Chair shall introduce the appointments of committee members at the first meeting following the start of a new biennial term of service (generally, January of odd-numbered years). The procedures for appointments shall be as follows:
 - a. The Chair may appoint no more people per committee than one less than would constitute a quorum of the full Rent Board. In general, this number is four members.
 - b. To the extent that compliance with the Brown Act is maintained, the Chair may appoint one alternate per committee. The alternate may serve as a member of a committee when one or more committee members is absent.
 - c. The proposed appointments of the Chair shall be placed on the consent calendar of that meeting.
 - d. The proposed appointments may be removed from the consent calendar for discussion, but amendments to the make-up of committee appointments may only be proposed by motion of the Chair.
 - e. The proposed appointments may be affirmed by a majority vote of the Board.
 - f. If the proposed appointments fail to obtain a majority vote of the Board, the Chair may resubmit the list, making any changes they deem fit, prior to the subsequent Rent Board meeting. The procedure described in subsections (1)(a)-(e) of this provision shall then be followed again.
2. At any point in their term, the Chair may propose to remove or replace a member or alternate of any committee.
 - a. The removal or replacement of a committee member may only be proposed by the Chair, and is subject to an affirmative vote of a two-thirds (2/3rds) majority of the Board.
 - b. The Chair may disband, reconstitute, or amend the names and subject matter of committees at any time, subject to an affirmative vote of a majority of the Rent Board.
3. Should sections (1) and (2) above be approved by the Rent Board, they shall take effect immediately, but will not apply retroactively to the date of approval.
4. A committee member may request a leave of absence from a committee. If that committee has an alternate appointed, the alternate may serve in their place. If the committee has no alternate, a replacement can be appointed at the discretion of the Chair without requiring an affirmation vote by the full Board.
5. The purpose of a committee is to obtain all of the relevant information on the issues before it, and to fully discuss and debate them before reaching a decision and/or

referring the issue to the full Board. As such, the procedures in committees are less formal than those of the full Board:

- a. The chairperson is expected to fully participate in the discussion.
 - b. Efforts to restrict the expression and debate of minority viewpoints are not allowed, including Calling the Question to end debate.
 - c. No motion is required to discuss an issue.
 - d. A motion to reconsider can be taken up at any time, regardless of when the motion was made, and there is no limit to the number of times it can be reconsidered.
 - e. Members of the public may be allowed to participate in the discussion of a particular issue outside of public comment if a majority of the committee agrees.
6. The committee shall elect a chairperson, who will be responsible for setting the agenda, in consultation with the staff person assigned to the committee.
 7. Each committee should attempt to establish a regular monthly meeting time.
 8. The time for the next committee meeting should, if possible, be confirmed or established before the current meeting is adjourned. Staff will officially notify all committee members of the date and time of committee meeting via email as soon as possible after the time is set.