



**RENT STABILIZATION BOARD**  
**Regular Meeting**  
**Thursday, May 16, 2024 – 7:00 p.m.**  
**School District Board Room – 1231 Addison Street, Berkeley**  
**Teleconference location: 1418-A 67<sup>th</sup> 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.

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**To join by phone:** Dial 1-669-444-9171 and enter Webinar ID: 863 5182 3870 and Passcode: 662299. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.

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### 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.\*
5. **CONSENT ITEMS** – 1 min.\*
  - a. Approval of the April 18<sup>th</sup> regular meeting minutes
6. **APPEAL** – 7:30 p.m.\*\*  
*\*\*This appeal will not be heard before 7:30 p.m. but may be heard any time thereafter.*

#### **Case No. T-6044 (2432 Fulton Street)**

Appellant Landlord (“Landlord”) appeals the hearing decision granting in part and denying in part Petitioner Tenants’ (“Tenants”) Petition for Individual Rent Adjustment (“petition”), seeking a rent ceiling reduction due to certain claimed habitability and code violations of the rental unit located at 2432 Fulton Street, Berkeley, CA (“premises”).

On appeal, Landlord claims that the hearing examiner erred in his determination that a 25% rent ceiling reduction was warranted for the Tenants' claim alleging a rat infestation. Landlord appeals on the basis that: (1) a rent ceiling reduction for "pest control issues" is historically set at 10%, (2) work was performed immediately and on an ongoing basis to address the infestation, (3) there is a lack of evidence that the issue existed throughout the period in which the rent ceiling was reduced, (4) rodents are a prolific problem throughout the City of Berkeley ("City"), (5) rodents are often caused by a lack of cleanliness on part of residents, and (6) this issue did not exist prior to this tenancy. However, a review of the record confirms that the hearing examiner awarded an appropriate rent ceiling reduction for the rat infestation. Furthermore, the record shows that the hearing examiner's decision is supported by substantial evidence and the decision of the hearing examiner should be affirmed.

## 7. 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)
  - (1) Recommendation to send a letter of support for the Alameda County Community Housing Needs Assessment survey – 3 min.\*
  - (2) Discussion and possible action regarding Decarbonization without Displacement – 3 min.\*
  - (3) Demolition Ordinance Update – Status of City of Berkeley Demolition projects (Executive Director) – 3 min.\*
- b. Recommendation to adopt proposed amendments to Regulation 1013 [Vacancy Rent Adjustment] to allow the Board to enforce AB 1620 – *Second Reading* (LIRA Committee) – 5 min.\*
- c. Recommendation to adopt Resolution 24-12 approving an adjustment to the compensation package for Rent Stabilization Board Executive Director DéSeana Williams (Chair Simon-Weisberg & Commissioner Walker) – 5 min.\*
- d. Recommendation to adopt Resolution 24-13 recognizing Jewish Voice for Peace in honor of Jewish Heritage Month (Chair Simon-Weisberg) – 3 min.\* TO BE DELIVERED
- e. Recommendation to adopt Resolution 24-14 recognizing the Watermelon Club in belated honor of Arab Heritage Month (Chair Simon-Weisberg) – 3 min.\* TO BE

DELIVERED

**8. 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. Update on the Rent Board office move to 2000 Center Street – *Verbal* (Executive Director/Board Secretary) – 5 min.\*
- b. Update on the Rent Board File Scanning Project – *Verbal* (Project Manager Basil Lecky) – 5 min.\*
- c. Updated Commissioner attendance at Board/Committee meetings through the 1<sup>st</sup> quarter of 2024 (Board Secretary) – 1 min.\*
- d. Deadline to submit agenda items/topics for May’s regular Rent Board meeting: **Monday, June 10<sup>th</sup> by 5:00 p.m.** (Board Secretary)

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

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – 5 min.\*  
Next regularly-scheduled meeting: Thursday, June 6<sup>th</sup> at 5:30 p.m.
- b. Environmental Sustainability Committee (Commissioner Martinac, Chair) – 5 min.\*  
Next regularly-scheduled meeting date: Wednesday, June 5<sup>th</sup> at 6:00 p.m.
- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – 5 min.\*  
Next regularly-scheduled meeting: To Be Announced (TBA)
- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – 5 min.\*  
Next regularly-scheduled meeting: TBA
- e. Outreach Committee (Vice-Chair Alpert, Chair) – 5 min.\*  
Next regularly-scheduled meeting: Monday, May 13<sup>th</sup> at 6:00 p.m.

May 13<sup>th</sup> agenda

- f. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – 5 min.\*  
(Mayor Arreguín and Chair Simon-Weisberg, Co-Chairs)  
Next regularly-scheduled meeting: TBA

- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Commissioner Marrero, Co-Chair) – 5 min.\*  
Next meeting date: TBA
- h. Ad Hoc Committee to Consider Rent Ordinance Amendments at the 2024 November General Election (Commissioner Johnson, Chair) – 5 min.\*  
Next meeting date: TBA
- i. Updates and Announcements – 5 min.\*
- j. Discussion of items for possible placement on future agenda – 5 min.\*

**10. CLOSED SESSION** – Pursuant to California Government Code Section 54956.9(d)(4), the Board will convene in closed session for an update on litigation:

Amicus brief authorization for *CP VI Admirals Code, LLC vs. City of Alameda, et al.*  
(case pending appeal)

**11. 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.



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### Minutes - *Unapproved*

1. **Roll call** – Chair Simon-Weisberg called the meeting to order at 6:16 p.m.  
Aimee Mueller called roll.  
Commissioners present: Alpert, Elgstrand, Johnson (left at 7:35 p.m.), Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg  
Commissioners absent: None  
Staff present: Brown, Eberhart, Kim, Lecky, Mueller, Williams

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

Title: Executive Director

After the closed session, the Chair announced that the Board took no reportable action.

3. **Land Acknowledgment Statement**: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun- (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

The Land Acknowledgement Statement was read aloud.

4. **Approval of Agenda**

M/S/C (Mizell/Elgstrand) APPROVE THE AGENDA WITH THE FOLLOWING CHANGE: MOVE ITEM 9.d. TO CONSENT. 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.

5. **Public Comment** – There were no speakers.
6. **SPECIAL PRESENTATION:** *Rent Registry (3Di) Enhancements* by Amanda Eberhart, Senior Management Analyst – Amanda Eberhart presented and took questions from the Board.
7. **CONSENT ITEMS**

*Action Item 9.d. was moved to Consent by a prior vote of the Board.*

- a. Approval of the March 21<sup>st</sup> regular meeting minutes
- b. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Executive Director/Registration Unit Manager)

**Ministerial Waivers**

Property Address

2417 MCGEE  
1175 CAMELIA  
287 THE UPLANDS  
2444 SPAULDING  
1994 SAN ANTONIO AVE  
838 BANCROFT WAY  
968 ADDISON ST  
1019 CHANNING WAY  
1124 OXFORD ST  
1165-1167 ARCH ST  
1361 NORTHSIDE AVE  
1409 SPRUCE ST #B  
1422 ADDISON ST  
1432 KAINS AVE  
1434 6TH ST.  
1437 MLK JR. WAY  
1439 67TH ST  
1533 BONITA AVE  
1536 TYLER ST

**Discretionary Waivers**

Waiver No.    Property Address

W5117            2113 WOOLSEY

M/S/C (Alpert/Elgstrand) APPROVE ALL CONSENT ITEMS AS WRITTEN, INCLUDING ITEM 9.d. THAT WAS MOVED TO CONSENT. ***Friendly***

***amendment by Commissioner Elgstrand (accepted):*** AMEND ITEM 7.a. (MARCH 21<sup>st</sup> REGULAR MEETING MINUTES), TO REFLECT THAT COMMISSIONER ELGSTRAND VOTED “NO” ON ITEM 9.b. Roll call vote. YES: Alpert, Elgstrand, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Johnson. Carried: 8-0-0-1.

**8. APPEAL – Case No. RWN-1663 (1337 Josephine Street, In-Law Unit)**

Appearances:  
Elite Golomb, appellant.

M/S/C (Alpert/Marrero) UPHOLD THE HEARING EXAMINER’S DECISION. Roll call vote. YES: Alpert, Elgstrand, Kelley, Marrero, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Johnson; RECUSED: Martinac\*. Carried: 7-0-0-1-1.

\*Commissioner Martinac recused herself because of a conflict of interest.

**9. ACTION ITEMS**

*from Board Members, Committees, Executive Director or Staff*

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

***Action Item 9.d. was moved to Consent by a prior vote of the Board.***

a. Chair Update (Chair Simon-Weisberg)

(1) Discussion and possible action for the elected Board to take a position on CouncilMembers’ Kesarwani, Humbert, and Taplin’s Supplemental Item to amend the Demolition Ordinance submitted at the March 26, 2024 City Council meeting – The Board discussed this item, but no action was taken.

b. SPECIAL PRESENTATION: Spring Legislative Update by Brian Augusta, Rent Board Legislative Advocate – Brian Augusta presented and took questions from the Board.

(1) Discussion and possible action for the Board to take a position on state legislative bills discussed in meeting

M/S/C (Simon-Weisberg/Alpert) SEND LETTERS OF SUPPORT FOR THE FOLLOWING BILLS: ASSEMBLY BILL (AB) 2304 (LEE); SENATE BILL (SB) 1212 (SKINNER); AB 2539 (CONNOLLY); SB 1201 (DORAZO). YES: Alpert, Elgstrand, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Johnson.

Carried: 8-0-0-1.

- c. Recommendation to adopt proposed amendments to Regulation 1013 [Vacancy Rent Adjustment] to allow the Board to enforce AB 1620 – First Reading (LIRA Committee)

M/S/C (Simon-Weisberg/Mizell) ADOPT PROPOSED AMENDMENTS TO REGULATION 1013 ON FIRST READING. Roll call vote. YES: Alpert, Elgstrand, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Johnson. Carried: 8-0-0-1.

- d. Recommendation to adopt Resolution 24-11 authorizing the pass-through of a portion of the Fiscal Year 2024-2025 registration fee for fully-controlled rental units to certain tenants (Budget & Personnel Committee and 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 MENTIONED OR BRIEFLY DISCUSSED.  
UNDERLINED ITEMS HAVE ADDITIONAL COMMENTS.**

- a. Update on the Rent Board office move to 2000 Center Street – *Verbal* (Executive Director/Board Secretary)
- b. Update on the Rent Board File Scanning Project – *Verbal* (Project Manager Basil Lecky)
- c. December 2023 U.S. Department of Education West Regional Advisory Committee report: *Identifying and Addressing Priority Education Needs* (Commissioner Marrero)
- d. Update on approved Executive Assistant position (Executive Director)
- e. Deadline to submit agenda items/topics for May’s regular Rent Board meeting: **Friday, May 3<sup>rd</sup> 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)

April 11<sup>th</sup> agenda

- b. Environmental Sustainability Committee (Commissioner Martinac, Chair)  
Next regularly-scheduled meeting date: Wednesday, May 1<sup>st</sup> at 6:00 p.m.

April 3<sup>rd</sup> agenda

- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair)  
Next regularly-scheduled meeting: Tuesday, April 23<sup>rd</sup> at 6:00 p.m.
- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee)  
(Commissioner Kelley, Chair)  
Next regularly-scheduled meeting: Tuesday, May 7<sup>th</sup> at 5:30 p.m.

April 9<sup>th</sup> agenda

- e. Outreach Committee (Vice-Chair Alpert, Chair)  
Next regularly-scheduled meeting: TBA
- f. 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
- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District  
(Commissioner Marrero, Co-Chair)  
Next meeting date: TBA
- h. Ad Hoc Committee to Consider Rent Ordinance Amendments at the 2024 November General Election (Commissioner Johnson, Chair)  
Next meeting date: TBA
- i. Updates and Announcements – Commissioner Marrero provided an update on a new federal rule regarding accessibility for websites and mobile apps. Commissioner Mizell provided an update on the letter he sent to UC leadership about police action related to People’s Park.
- j. Discussion of items for possible placement on future agenda

**12. ADJOURNMENT**

M/S/C (Alpert/Marrero) ADJOURN THE MEETING. YES: Alpert, Elgstrand, Kelley, Marrero, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: Johnson. Carried: 8-0-0-1. The meeting adjourned at 9:53 p.m.



# Housing Needs in Alameda County

## Building a Framework for Equitable Investment

As part of Alameda County Housing & Community Development's commitment to equity and community engagement, we are surveying you and your neighbors on how your community has been impacted by high housing costs and your priorities for tackling issues and building a better future.



**WE WANT TO HEAR FROM YOU!**



**Scan the QR Code and take the Community Needs Assessment Survey.**

**HousingNeedsAC.org**

**See the community calendar of events and tell your story on the website.**



Join our electronic mailing list to get up to date information and announcements. Go to:  
[acgov.org/cda/hcd/esubscribe.htm](http://acgov.org/cda/hcd/esubscribe.htm)



# Necesidades de vivienda en el condado de Alameda

## Armar un marco para la inversión equitativa

Como parte del compromiso del Departamento de Vivienda y Desarrollo Comunitario del Condado de Alameda con la equidad y el acercamiento a la comunidad, le presentamos a usted y sus vecinos nuestra encuesta sobre cómo su comunidad se ha visto afectada por los altos costos de la vivienda, y sobre sus prioridades para tratar los problemas y construir un futuro mejor.



**¡QUEREMOS ESCUCHAR SU OPINIÓN!**



**Escanee el código QR y conteste la Encuesta de evaluación de necesidades de la comunidad.**

**HousingNeedsAC.org**

**Consulte el calendario de eventos de la comunidad y cuente su propia historia en el sitio web.**



Inscríbese en nuestra lista de correo electrónico para recibir información actualizada y anuncios. Conéctese a: [acgov.org/cda/hcd/esubscribe.htm](http://acgov.org/cda/hcd/esubscribe.htm)



# 阿拉米达县住房需求

## 构建公平投资框架

为促进公平和社区参与，阿拉米达县住房与社区发展部欲对您及邻里开展调查，以了解高房价对您所在社区的影响，以及您认为在解决问题和建设美好未来的工作中所要优先考虑的事项。



**我们希望了解您的看法!**



**请扫描二维码，  
参加社区需求评估调查。**

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请访问该网站查看社区活动日历并分享您的故事



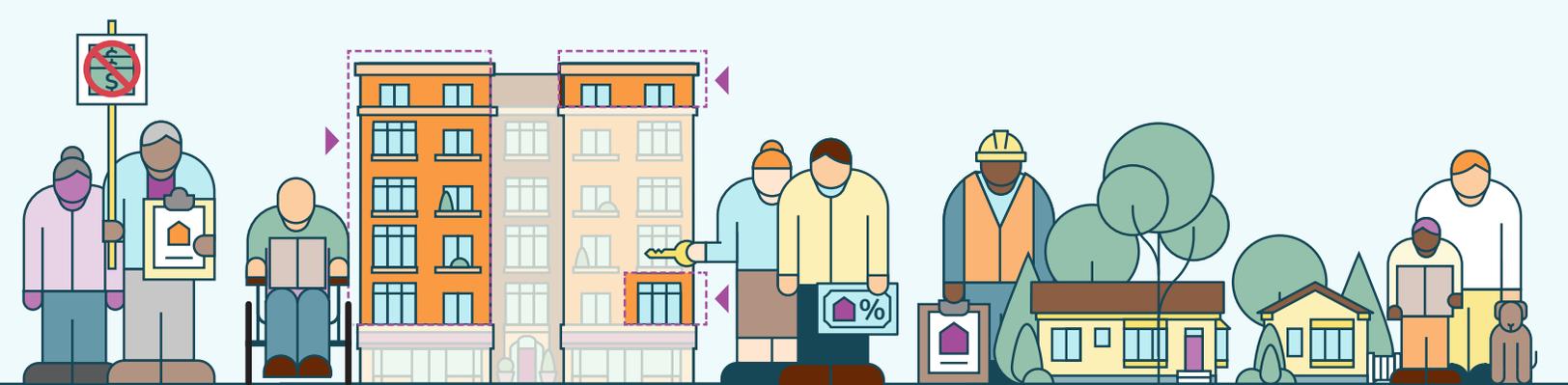
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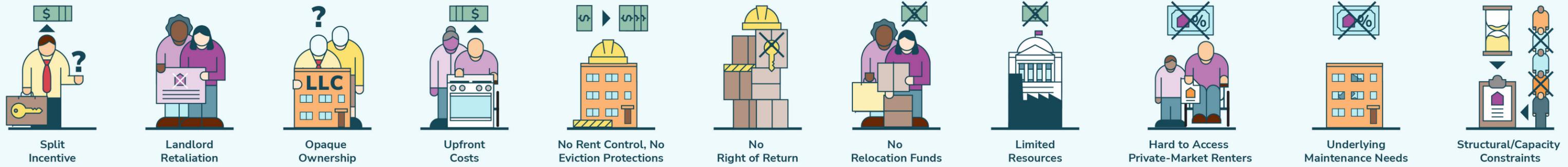


# Decarbonization Without Displacement

Tenant Advocacy in the Context of  
Inflation Reduction Act Implementation



# Issues for IRA Access by Renters & Communities



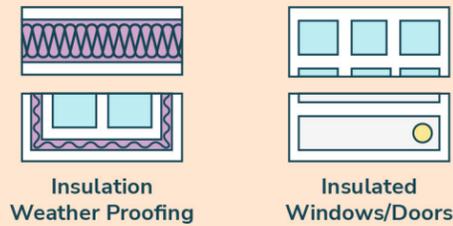
## IRA Rebates & Reimbursements

## IRA Flexible Funding

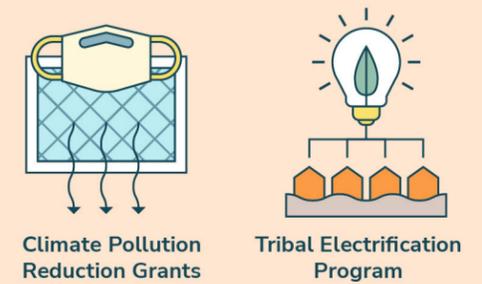
### Home Electrification & Appliance Rebates



### Home Efficiency Rebates



## IRA Eligible Housing



# Getting Inflation Reduction Act Resources to Renters



# Decarbonization Without Displacement

Tenant Advocacy in the Context of  
Inflation Reduction Act Implementation

January 2024

**Ruthy Gourevitch**, CCP, Policy Manager: Housing & Communities,  
rgourevitch@climateandcommunity.org

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The **Climate and Community Project (CCP)** is a progressive climate policy think tank developing research at the climate and inequality nexus. We mobilize a network of 40+ experts producing cutting edge scholarly research to design and win our generation's determining suite of policy interventions.

**Suggested citation:** Ruthy Gourevitch. "Decarbonization without Displacement: Tenant Advocacy in the Context of Inflation Reduction Act Implementation." Climate and Community Project, 2024.

**Acknowledgments:** The author wishes to thank and acknowledge Sonal Jessel of WE ACT for Environmental Justice; Grace Hut and Chelsea Kirk of Strategic Actions for a Just Economy (SAJE); Daniel Aldana Cohen of UC Berkeley; isaac servier; Kate Walz of the National Housing Law Project; Jane Allen; and Johanna Bozuwa, Patrick Bigger, and Laurel Chen of Climate and Community Project (CCP) for their respective reviews, comments, and contributions to this work. Thank you to Sonya Gurwitt and meg studer for their copyediting and design support.

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### 12 Flexible IRA funding that could impact rental housing conditions

15 Poor implementation could squander the promise of these green investments for  
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# Executive Summary

Tenants in the United States are bearing the brunt of the housing and climate crises: egregious rent hikes, deferred maintenance in their units, growing utility debts, and disasters right at their front doors. Yet our climate policies are typically designed to benefit homeowners and property owners.<sup>1</sup> This leaves the 44 million households who rent their homes — disproportionately Black and Brown families on the frontlines of the climate crisis — with little support.

**The federal Inflation Reduction Act (IRA) of 2022 set the stage for billions of dollars to flow toward electrifying and decarbonizing homes.** This includes up to \$9 billion for rebates for home energy efficiency and clean energy improvements, as well as new grant and tax credit programs that localities and nonprofits can use to address climate resilience in frontline communities.

**However, the IRA falls woefully short of the deep and significant investments in permanently affordable rental housing and tenant protections we need to address the intertwining climate and housing crises.**

IRA funding pales in comparison to the scale of the need for green investments to make rental housing habitable and resilient. Advocates are also understandably worried that landlords will not use IRA funds to improve housing conditions for renters, and that even if they do, these investments will ultimately be used as an excuse to hike rents, flip properties, and displace tenants.<sup>2</sup>

**The IRA will bring unprecedented funding opportunities to communities and capture the focus of state and local officials over the next few years, so it is important to ensure that the implementation process bolsters — rather than harms — tenants' stability.** The next phase of local and state IRA implementation could bring improvements that benefit renters — or could make it even harder for funds to flow equitably. With that in mind, organizers and advocates can leverage this window of opportunity to:

-  Advance state-level rebate programs that prioritize and protect renters;
-  Win conditions on funding to ensure renters are not displaced;
-  Ensure that local or county governments leverage grant opportunities that prioritize healthy housing upgrades;
-  Hold landlords accountable to using funds to improve tenants' building conditions; and
-  Advance new bold visions for tenants rights and environmental justice, such as universal rent stabilization and green social housing.

This brief examines the current state of IRA funding for rental housing, the challenges it poses, and ideas for how to improve IRA implementation to benefit tenants.

1 Neel Dhanesha, “Climate Fixes Are All Aimed at Property Owners. What about Renters?,” *Vox*, July 27, 2022, <https://www.vox.com/the-highlight/23198145/renters-climate-change-solutions>; Rhiana Gunn-Wright, “Our Green Transition May Leave Black People Behind,” *Hammer and Hope*, Summer 2023, <https://hammerandhope.org/article/climate-green-new-deal>.

2 Chelsea Kirk, *Decarbonizing California Equitably: A Guide to Tenant Protections in Building Upgrades/Retrofits Throughout the State* (Los Angeles, CA: Strategic Actions for a Just Economy, 2023), <https://www.saje.net/wp-content/uploads/2023/09/Decarbonizing-California-Equitably-Report-1.pdf>; National Housing Law Project, “NHLP’s Principles on the Inflation Reduction Act and Other Energy Investments,” *NHLP*, 2023, <https://www.nhlp.org/wp-content/uploads/NHLP-Inflation-Reduction-Act-Statements-and-Principles-2023.pdf>.

# Introduction

Tenants desperately need holistic green repairs to make their homes livable, energy-efficient, and resilient to climate change. Low-income tenants are disproportionately forced to live in uninhabitable conditions.<sup>3</sup> Furthermore, approximately 40 percent of the country's rental housing stock is in communities on the frontlines of the climate crisis.<sup>4</sup> From mobile home parks to city centers, tenants around the country are taking matters into their own hands, organizing for healthier and greener living conditions — often with little to no government support.<sup>5</sup> It is past time for the government to deliver the funding and protections needed to ensure safe living conditions for all.

The Inflation Reduction Act (IRA) unlocks new funding streams that will capture the focus of state and local officials for years to come. In its current form, the IRA fails to address the reality and challenges of being a tenant in the US. Instead, it prioritizes funding mechanisms that flow to property owners with few strings attached and ignores underlying deferred maintenance needs in rental housing. While landlords with properties in low-income neighborhoods and Environmental Justice (EJ) communities have access to IRA funds for clean energy upgrades, Congress did not build

in conditions on funding that prevent landlords from displacing tenants during or after these upgrades. The IRA is far from the visionary regulatory and investment policies that tenant and environmental justice organizers have called for.<sup>6</sup>

In the next year, states and localities will be applying for funds intended to improve energy efficiency and living standards for homeowners and renters and designing plans to implement these funds. Poor implementation of the IRA could further squander the opportunity to address the intersecting housing and climate crises, leaving behind or even displacing low-income households in the process. But strong implementation could leverage these funds to set new horizons for equitable decarbonization and living conditions for renters. This presents organizers with a window of opportunity to ensure that tenants get the most from these programs, and to prevent harmful program design.

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3 US Government Accountability Office, *Rental Housing: As More Households Rent, the Poorest Face Affordability and Housing Quality Challenges* (Washington, DC: US GAO, May 2020), <https://www.gao.gov/products/gao-20-427>.

4 Maya K. Buchanan et al., "Sea Level Rise and Coastal Flooding Threaten Affordable Housing," *Environmental Research Letters* 15, no. 12 (December 2020): 124020, <https://iopscience.iop.org/article/10.1088/1748-9326/abb266>; National Housing Trust, "The Threat of Climate Change for Renters," news release, September 26, 2022, <https://nationalhousingtrust.org/news/threat-climate-change-renters#:~:text=Recently%2C%20Harvard%20University's%20Joint%20Center,vulnerable%20to%20climate%2Denhanced%20disasters.>

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5 There are countless examples of tenant organizing around living conditions. For some examples, see **efforts by the Cargill Tenants Union in Connecticut**; **efforts by renters in Memphis, Tennessee**; and **efforts by mobile home residents across the country**.

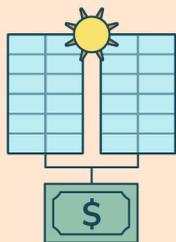
6 For examples of environmental justice and tenant justice policy frameworks developed directly with those impacted by the joint housing, climate, and racial justice crises, see "Red, Black and Green New Deal: Climate agenda for Black Lives Matter," (Al Jazeera) *A National Homes Guarantee Briefing Book* (People's Action), and "17 Principles of Environmental Justice" (Center for Biological Diversity).

# Part 1

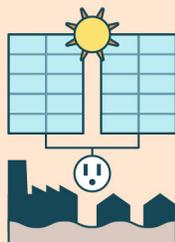
# Analysis of IRA Funding for Renters



Direct Pay  
Tax Credits



Greenhouse Gas  
Reduction Fund



Clean Communities  
Accelerator



Green & Resilient  
Retrofit Program



Zero Building Energy  
Code Adoption

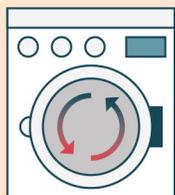


Enviro & Climate  
Justice Block Grants

## Home Electrification & Appliance Rebates



Induction  
Stoves & Ranges



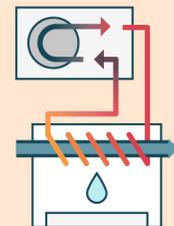
Heat Pump  
Dryer



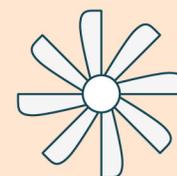
Electric System  
Upgrades



Heat Pump for  
Space Heating



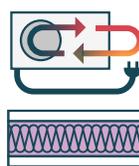
Heat Pump  
Water Heaters



Ventilation  
Systems

# Analysis of IRA Funding For Renters

Most of the residential investments in the IRA take the form of rebates and tax credits, which flow to the property owner of a building as a tax write-off or reimbursement once they have invested in specific types of energy efficiency, electrification, and/or clean energy improvements. The IRA also includes other grant programs that localities can pursue for environmental justice and clean energy projects, including investments in green housing.



## IRA REBATES, AND HOW THEY MIGHT HELP OR HARM TENANTS

The IRA includes a total of \$8.8 billion in rebates for households with incomes less than 150 percent of the Area Median Income (AMI) to electrify their homes and increase energy efficiency (you can look up your community's AMI levels here). If a household makes less than 80 percent of the AMI, it can receive a rebate for up to 100 percent of project costs, capped at \$14,000.<sup>7</sup> (See Appendix A for the types of projects rebates can fund). Rental housing is eligible for IRA rebates, and the IRA requires states to allocate at least 10 percent of rebate funding and rooftop solar investments to serve low-income multifamily buildings.<sup>8</sup>

7 "What You Need to Know about the IRA: Area Median Income," Clean Energy Resource Teams, accessed January 10, 2024, <https://www.cleanenergyresourceteams.org/what-you-need-know-about-ira-area-median-income#:~:text=Rebates%20for%20efficient%20appliances%20use,aren%27t%20eligible%20for%20rebates.>

8 US Department of Energy Office of State and Community Energy Programs, *Inflation Reduction Act Home Energy Rebates: Program Requirements and Application Instructions* (Washington, DC: US DOE, October 2023), [https://www.energy.gov/sites/default/files/2023-10/home-energy-rebate-programs-requirements-and-application-instructions\\_10-13-2023.pdf](https://www.energy.gov/sites/default/files/2023-10/home-energy-rebate-programs-requirements-and-application-instructions_10-13-2023.pdf).

# Figure 1. Overview of the IRA Home Rebates



## What are the types of home rebates in the IRA?



### Home Efficiency Rebates:

Grants for states to provide rebates to discount energy-saving retrofits in single family and multifamily buildings that are slated to save at least 20 percent of the home's energy use. Rebate amounts depend on the income of the household and amount of energy savings.



### Home Electrification and Appliance Rebates Program:

Rebates for discounts on high-efficiency home appliances and equipment. A dwelling unit can receive a rebate for: heat pump water heaters; heat pumps for space heating or cooling; an electric stove, cooktop, range, oven, or heat pump clothes dryer; an electric load service center; insulation, air sealing, and ventilation; and electric wiring.



## What housing types are eligible?

Single family homes, multifamily homes, and manufactured homes are eligible. States must meet minimum allocation requirements to low-income households (see page 97 of the [IRA Home Energy Rebates Program Requirements & Application Instructions](#) for your state's requirement). States also must allocate at least 10 percent of their rebate funding to serve low-income tenants in multifamily buildings, defined as buildings in which more than half of households have incomes less than 80 percent of the AMI. Landlords are required to indicate the income eligibility of tenants when they apply for rebate funding.<sup>9</sup>

To make this process less onerous, states can instead use self attestation practices or "categorical eligibility" to identify low-income buildings, which include any public housing complex, Low-Income Housing Tax Credit (LIHTC) properties, and buildings in which over half of residents are using Housing Choice Vouchers (Section 8), Supportive Housing for the Elderly (Section 202), or Supportive Housing for People with Disabilities (Section 811) assistance.<sup>10</sup>



Continued Next Page...

9 State allocation minimums for low-income households vary based on the low-income household population of each state. You can find the state-by-state breakdown of minimum allocations on page 98 of the US Department of Energy's [State and Community Energy Programs Inflation Reduction Act Home Energy Rebates Program Requirements and Application Instructions Guide](#).

10 "Federal Programs Approved for Categorical Eligibility for DOE Homes Energy Rebates," State and Community Energy Programs, Department of Energy, published October 13, 2023, <https://www.energy.gov/scep/articles/ira-50121-50122-home-energy-rebates-categorical-eligibility-list>.

## Figure 1. Overview of the IRA Home Rebates (Continued)



### How does the funding flow?

States and Tribes must apply for funding from the US Department of Energy (DOE) by January 31, 2025. States will then set up their own programs to award funds to property owners — and in some cases, renters — for energy efficiency upgrades.



### Can renters apply for funding directly?

In the vast majority of cases, the landlord must apply for rebate funding and oversee the rebate-funded improvement to their property. The rebate is intended for the entity that pays for the project cost, which is typically the landlord.

However, there are some cases in which the federal government permits rebates to go directly to tenants:



If a renter wants to buy an electric heat pump clothes dryer or an electric stove, cooktop, or oven for their unit, the IRA allows renters to apply directly for rebate funding and written permission from the landlord is not required by the federal government (though permission from a landlord may be mandated in a lease agreement, or otherwise expected).



If a renter wants rebate funding for insulation, electric heat pumps for heating and cooling, electric wiring, mechanical ventilation, and electric load service centers, they can apply if they first get approval from the property owner or authorized building manager.<sup>11</sup>

However, even in these cases of renters being eligible to apply for rebate funding, tenants typically cannot make improvements to properties they do not own, which will largely exclude them from applying for these benefits.<sup>12</sup> Below, this brief discusses additional hurdles to renters applying for funds directly — including fears of retaliation given limited tenant protections, lack of control over their unit's maintenance, and needing to be able to pay for the upfront cost of the improvement.



11 US DOE, Inflation Reduction Act Home Energy Rebates.

12 Lew Daly and Sylvia Chi, "Clean Energy Neoliberalism: Climate, Tax Credits, and Racial Justice," Roosevelt Institute, June 14 2022, [https://rooseveltinstitute.org/wp-content/uploads/2022/06/RI\\_ClimateTaxCreditsRacialJustice\\_202206.pdf](https://rooseveltinstitute.org/wp-content/uploads/2022/06/RI_ClimateTaxCreditsRacialJustice_202206.pdf).

Tax credits of up to \$3,200 for home energy audits, qualified energy efficiency improvements installed during the current tax year, or residential energy property expenses are also available through the IRA. The maximum credit an individual can claim annually is \$2,000 per year for qualified heat pumps, biomass stoves, and biomass boilers, and \$1,200 for energy efficient home improvements and other energy property costs. However, only landlords or owners who live at the property can claim the credit, which significantly limits the extent to which this tax credit is relevant to rental housing. Tenants can claim credits, but as this brief discusses below, tenants rarely have the authority needed to make these repairs within their lease contract.



## WHAT TENANT PROTECTIONS

### are attached to the IRA rebates?

The US Department of Energy (DOE) rebate program requirements include some safeguards for low-income renters living in units with rebate-funded improvements.<sup>13</sup> In order to receive an IRA Home Energy Rebate, owners/landlords renting to low-income renters:

- 1.  Must ensure that units stay rented by a low-income tenant for at least two years following the receipt of the rebate;

- 2.  Must not evict tenants to obtain higher renters or increase rents as a result of energy improvements for two years;
- 3.  Must ensure protections transfer with ownership if the unit is sold within the two-year period; and
- 4.  Are required to refund the rebate in the event of noncompliance.<sup>14</sup>

The DOE also requires states to outline what procedures and penalties they will provide to ensure that renters are not subject to unjustified rent increases.<sup>15</sup> The protections and application questions together set a new precedent for mandating states to think proactively about the potential impact of decarbonization on rental prices.

However, there are shortcomings to these tenant protections, and they are unlikely to accomplish their intended purpose of keeping tenants safe and housed without additional state and local tenant protections. First, these protections are only in effect for two years, after which tenants will be left with only the patchwork of protections their localities or states provide — in many cases, next to nothing. Even if landlords are aware of and deterred by these tenant protections, they may still choose to go forward with rebate investments knowing they can hike rents in just two years. The protections are also specific to evictions and rent hikes tied to energy efficiency upgrades, but it is extremely difficult to prove that an eviction or rent hike is a result of such upgrades, since landlords are typically not required to give reasoning for rent increases or lease nonrenewals.

13 Sylvia Chi, “DOE Guidance for Home Energy Rebates Adopts Recommendations for Equity.” Just Solutions Collective, August 15, 2023, <https://justsolutionscollective.org/doe-guidance-for-home-energy-rebates-adopts-recommendations-for-equity/>.

14 US DOE, Inflation Reduction Act Home Energy Rebates.

15 For a list of questions states have to answer as part of their applications, see <https://www.energy.gov/sites/default/files/2023-12/Home-Efficiency-Rebates-Sample-Application.pdf>.

Furthermore, tenant protections are only helpful if enforced, and the DOE does not include specific requirements for state-level enforcement.<sup>16</sup> Instead, it punts that question to states administering the rebates, which must outline how they will implement and enforce penalties that are “sufficient to act as a deterrent for owner violations and provide for damages and attorney’s fees recoverable by tenants.”<sup>17</sup> There is also no commitment to fund enforcement of these protections, which is another essential ingredient for strong enforcement practices.<sup>18</sup>

The DOE requires states to create an outreach and community education plan as part of their funding applications.<sup>19</sup> The guidance does not explicitly indicate that states have to make the tenant protections known through outreach channels, but it does give states the opportunity to put forward community engagement partnerships that will help ensure that tenants know their rights and enforce these protections.



## THE CHALLENGES OF GETTING REBATE FUNDS

### to those who need repairs most, without triggering displacement

Inadequate investment levels mean funding will not reach much of the rental market. There are 44 million rental houses in the US, but only \$8 billion in rebate funding. Simply put: this is not enough funding to address the need. What’s more, the per household caps — which are based on energy savings and incomes, but do not exceed \$14,000 — will not be enough to reimburse the full cost of repairs and labor in many markets when it comes to deep energy efficiency improvements (see Appendix A for details).

#### Challenges with getting funds to renters:



#### **The IRA rebate program does not account for the split incentive problem**, which occurs when the benefit

of an investment does not accrue for the person who pays for the investment.<sup>20</sup> Landlords may feel they will not directly benefit from the cost savings or health upgrades associated with energy efficiency investments when tenants pay utility bills

16 Mihir Zaveri, “Discrimination Weakens Tool for Reducing N.Y. Homelessness, Lawsuit Says,” *New York Times*, May 25, 2022, <https://www.nytimes.com/2022/05/25/nyregion/ny-vouchers-homeless-discrimination.html>.

17 Zaveri, ““Discrimination Weakens Tool for Reducing N.Y. Homelessness, Lawsuit Says.”

18 Jacqueline Waggoner, “Local Laws Against Income Discrimination Aren’t Enough to Protect Residents,” *Next City*, April 27, 2023, <https://nextcity.org/urbanist-news/local-laws-against-income-discrimination-arent-enough-to-protect-residents>.

19 Chi, “DOE Guidance for Home Energy Rebates Adopts Recommendations for Equity.”

20 Jesse Melvin, “The Split Incentives Energy Efficiency Problem: Evidence of Underinvestment by Landlords,” *Energy Policy* 115 (April 2018): 342–352, <https://www.sciencedirect.com/science/article/abs/pii/S0301421517308157>.

and occupy the unit. However, IRA funds flow to the landlords, who have control and legal authority over if, when, and how to invest in energy efficiency repairs.<sup>21</sup> The IRA leaves this split incentive problem unresolved, which could create a bottleneck that prevents tenants from benefiting from this funding.



**Fears of landlords retaliating against tenants who ask for repairs** — through harassment, lease nonrenewals, or evictions — can dissuade tenants from requesting repairs or organizing with their neighbors for better conditions.<sup>22</sup> While many states have anti-retaliation laws, it can be extremely difficult to prove retaliation in court and ensure tenants have the protections they need to safely retain their unit.



**The onus is on tenants to ask their landlords for repairs.** In cases where tenants can apply for rebates directly, requiring tenants to ask for written permission from their landlord creates an additional hurdle, since landlords can ignore or decline tenants' requests. What's more, it is increasingly hard for a tenant to know who owns their property (and therefore know who to ask for permission) because of increasingly complex, opaque, and speculative ownership models.<sup>23</sup>



**Rebates and tax credits make it more difficult for funds to flow to low-income communities, and landlords could still pass on costs to tenants.**

The rebate format requires an individual to be able to use their own money up front for repairs or upgrades. In cases in which renters can access funds directly, the rebate structure will further limit renters' ability to use this program. Further, energy efficiency upgrades and the associated labor costs can far exceed the rebate amounts provided through the IRA, and landlords could try to pass remaining costs on to tenants in the absence of protections.



**Deferred maintenance leaves many rental homes unprepared for energy efficiency upgrades:**

Lower-income tenants are disproportionately saddled with significant repair needs and uninhabitable living conditions. These deferred maintenance needs may need to be addressed before other upgrades can happen, and in some cases, make properties ineligible for energy upgrades. In the event that rebate-funded upgrades can still technically happen, it might be only a band-aid solution to underlying habitability problems.

21 Gunn-Wright, "Our Green Transition May Leave Black People Behind."

22 Camila Vallejo, "I Regret It: How Asking for Healthy Housing Ended in an Eviction Record for One New Haven Family," *Connecticut Public Radio*, June 23, 2023, <https://www.ctpublic.org/news/2023-06-23/i-regret-it-how-asking-for-healthy-housing-ended-in-an-eviction-record-for-one-new-haven-family>.

23 Brian Mykulyn and Elora Raymond, "When Landlords Hide Behind LLCs," *Shelterforce*, August 23, 2022, <https://shelterforce.org/2022/08/23/when-landlords-hide-behind-llcs/>.



**Requiring income verifications and means testing makes it harder for funding to flow equitably:**

To ensure rebates reach low-income households, states will have to set up income verification processes. The DOE allows some streamlined processes for income verifications that aim to minimize barriers, such as mandating use of categorical eligibility to verify resident incomes (e.g., in public housing developments or for SNAP recipients), and encouraging self-attestation processes. This can help ensure that rebate funds can benefit households regardless of immigration status and reduce the administrative burden when applying for funds. Nonetheless, states may still choose to adopt income verification processes for dispersing funding that create new barriers.

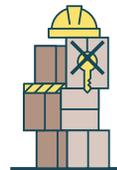
**A lack of guardrails on funding could also lead to the displacement of Black, Brown, and lower-income tenants:**



**Minimal rent regulations, affordability requirements, and anti-displacement guardrails could harm tenants.**

Without broad-sweeping rent regulations, tenants could face situations in which landlords leverage important energy efficiency upgrades as an excuse

to flip properties and hike rents.<sup>24</sup> For most low-income renters, a rent hike is tantamount to an eviction.<sup>25</sup> While policies to regulate rents are becoming increasingly popular in the US,<sup>26</sup> there are still over 30 states that preempt local jurisdictions from regulating rents, and in most jurisdictions, landlords raise rents even beyond the pace of inflation.<sup>27</sup> Furthermore, a lack of eviction protections means that landlords can still evict tenants after upgrades happen or choose to not renew a tenant's lease, instead flipping the property.



**Tenants might not have a right to return to their property — or might be burdened with new costs — after rehabilitation or improvements take place.**

Without requiring that rebates come with temporary relocation fees for all tenants and a mandated right to return to the rental unit following any deep retrofits that make the home temporarily uninhabitable, renters may be permanently displaced. Furthermore, in the event that a landlord converts their building from a master metering system to individual metering, tenants could become newly responsible for utility costs, making their bills too expensive for them to be able to return.

Part 2 of this brief addresses organizing opportunities to stem displacement and address these challenges.

24 Chelsea Kirk, *Los Angeles Building Decarbonization: Tenant Impact and Recommendations* (Los Angeles, CA: Strategic Actions for a Just Economy, December 2021), [https://www.saje.net/wp-content/uploads/2021/12/LA-Building-Decarb\\_Tenant-Impact-and-Recommendations\\_SAJE\\_December-2021-1.pdf](https://www.saje.net/wp-content/uploads/2021/12/LA-Building-Decarb_Tenant-Impact-and-Recommendations_SAJE_December-2021-1.pdf).

25 Claire Thornton, "'A Lot of Fear': Rent Hikes across the Country Mean Eviction Notices for Many Americans," *USA Today*, July 5, 2023, <https://www.usatoday.com/story/news/nation/2023/07/05/rising-rents-eviction-notices-across-us/70349779007/>.

26 Tram Hoang, "A Rallying Cry for National Rent Control," *The Hill*, August 9, 2023, <https://thehill.com/opinion/civil-rights/4144103-a-rallying-cry-for-national-rent-control/>.

27 Katherine Schaeffer, "Key Facts about Housing Affordability in the U.S." Pew Research Center, March 23, 2022, <https://www.pewresearch.org/short-reads/2022/03/23/key-facts-about-housing-affordability-in-the-u-s/>.

# Just Decarbonization in Los Angeles

Want to learn more about how tenant advocates are evaluating how climate investments in their own communities could impact tenants?



Check out Strategic Action for a Just Recovery’s (SAJE’s) report on equitable building decarbonization in California.



SAJE is a Los Angeles–based tenant rights organization fighting for building decarbonization and tenant rights to go hand in hand.<sup>28</sup> SAJE’s work is a model for how tenants and advocates can organize around the equitable implementation of decarbonization funds and robust policies that would keep tenants housing in the long term. This includes fighting for:



- *Good cause eviction standards;*
- *Rent caps;*
- *Temporary relocation fees;*
- *A mandated right to return after construction/rehabilitation is completed; and*
- *A landlord-tenant contract that ensures compliance.*<sup>29</sup>

In SAJE’s words,

**“Decarbonization is a necessary step in making California healthier and more resilient for everyone. But tenants — millions of whom are already struggling to pay their rent — should not have to shoulder the costs of decarbonizing housing. If we don’t have good policies in place to protect tenants, we will see rents rise, affordable units shrink, and families displaced.”**<sup>30</sup>

28 Iris M. Crawford, “Protecting Tenants as Los Angeles Decarbonizes,” *Nonprofit Quarterly*, April 13, 2023, <https://nonprofitquarterly.org/protecting-tenants-as-los-angeles-decarbonizes/>.

29 Kirk, “Los Angeles Building Decarbonization: Tenant Impact and Recommendations.”

30 SAJE Staff, “Decarbonizing California Equitably: New SAJE Report Looks at the Effects of Decarbonization on Tenants Across the State,” *Strategic Actions for a Just Economy* (blog), September 28, 2023, <https://www.saje.net/decarbcaliforniaequitably/>; Chelsea Kirk, “Decarbonizing California Equitably.”

# FLEXIBLE IRA FUNDING THAT COULD IMPACT RENTAL HOUSING CONDITIONS



Some of the more innovative and transformational opportunities for IRA implementation are in other pots of grant funding that, in many cases, include set-asides for disadvantaged communities and allow localities and nonprofits to be more responsive to community needs. Habitability

improvements could happen through these funding channels. For example, the Direct Pay Tax Credits for Clean Energy program would allow localities and tax-exempt organizations to get tax-free payments from the IRS for certain clean energy projects. This means a city government could pay for deep energy retrofits of public housing and get reimbursed for up to 70 percent of project costs.<sup>31</sup> Similarly, the Greenhouse Gas Reduction Fund could be used to implement neighborhood-level clean energy systems that can reduce utility costs across several blocks in neighborhoods with renters.<sup>32</sup>

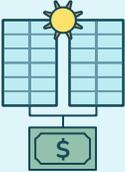
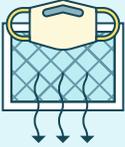
Figure 2. Grant programs in the IRA that could be applied to rental housing

	Program Name	Funding Flow & Eligibility
	<p><b><u>Green and Resilient Retrofit Program:</u></b> Grants for multifamily, US Department of Housing and Urban Development (HUD)–assisted property owners to reduce carbon emissions, make utility efficiency improvements, incorporate renewable energy sources, and make resilience upgrades.</p> <p>Continued Next Page...</p>	<p>Funding is only for HUD-assisted housing, including properties receiving assistance through Sections 8, 202, 811, and 236. Funding flows directly from the federal government to property owners via a competitive grant application.</p> 

31 “Direct Pay: Building Jobs and Sustainable Public Energy in Local Communities / FAQs for Local Governments,” Explainer, Congressional Progressive Caucus Center, accessed January 3, 2023, <https://www.progressivecaucuscenter.org/direct-pay-faqs-for-local-governments>.

32 Sylvia Chi, “Greenhouse Gas Reduction Fund: Best Practices for Equity and Governance,” Just Solutions Collective, May 9, 2023, <https://justsolutionscollective.org/greenhouse-gas-reduction-fund-best-practices-for-equity-and-governance/>.

Figure 2. Grant programs in the IRA that could be applied to rental housing (Continued)

	Program Name	Funding Flow & Eligibility
 <p><b>\$27</b> billion budgeted</p>	<p><b><u>Greenhouse Gas Reduction Fund (GGRF)</u></b>: Financial and technical assistance grants to states, localities, Tribal governments, and nonprofits to help deploy clean energy technologies and solar energy initiatives. Forty percent of funds are specifically dedicated to low-income and disadvantaged Environmental Justice communities. The Clean Communities Investment Accelerator is specifically charged with financing clean energy projects in low-income and disadvantaged communities.</p>	<p>For the first portion of funds (called Solar for All funding), communities could apply directly for solar energy projects. The deadline for the Notice of Intent has now passed. For the second portion of funds (the National Clean Investment Fund and the Clean Communities Investment Accelerator), funding will flow from the federal government to nonprofit “hubs,” which can then regrant funds to localities and nonprofits. GGRF funds can, in theory, be used for any type of housing in a low-income or disadvantaged Environmental Justice community, regardless of ownership structure.</p>
 <p><b>\$1</b> billion budgeted</p>	<p><b><u>Zero Building Energy Code Adoption</u></b>: Funding for states and localities to adopt, implement, or enforce zero-energy codes with the goal of improving residential and decarbonization efforts through new construction and retrofits. Includes technical assistance support. Funds could be used, for example, for initiatives specifically targeted at clean energy improvements in rental housing.</p>	<p>Only states and local governments with code-making authority to adopt updated building energy codes can receive these funds. Individual tenants, landlords, or nonprofit organizations working on behalf of tenants cannot apply for funding.</p> 
 <p><b>\$5</b> billion budgeted</p>	<p><b><u>Climate Pollution Reduction Grants</u></b>: Funding to state and local governments to develop and implement plans for reducing harmful air pollution.</p>	<p>Funds flow from the EPA to states, localities, and Tribes. Planning grants have already been allocated, and you can view recipients in your state here. Implementation grant applications are due April 1, 2024, and will include awards between \$2 and \$500 million.</p>

Continued Next Page...

Figure 2. Grant programs in the IRA that could be applied to rental housing (Continued)

	Program Name	Funding Flow & Eligibility
	<p><b>Direct Pay Tax Credits for Clean Energy:</b> Allows cities, states, and other tax-exempt organizations to receive tax-free, cash payments from the IRS for clean energy projects if certain requirements are met. There are multiple tax credits within the IRA that allow for Direct (or “Elective”) pay.</p>	<p>Cities, states, counties, and tax-exempt organizations (including nonprofit entities) are eligible for “reimbursement” directly from the IRS.</p> <p>Direct Pay funds can be used for publicly owned housing and nonprofit-owned housing. Many advocates, elected officials, and policymakers are exploring how cities can use Direct Pay to support tenants in privately owned housing, but those pathways are less obvious.</p>
 <p><b>\$3 billion</b> budgeted</p>	<p><b>Environmental and Climate Justice Block Grants:</b> Block grants to disadvantaged communities that can be spent on pollution monitoring, prevention, and remediation; mitigating climate health impacts; climate resilience and adaptation needs; reducing indoor air pollution; and improving engagement of Environmental Justice communities in public processes.</p>	<p>Funds flow from the Environmental Protection Agency (EPA) to nonprofit organizations that serve disadvantaged communities through a competitive grant program. You can view projects funded through this grant program here.</p> 
 <p><b>\$145.5 billion</b> budgeted</p>	<p><b>Tribal Electrification Program:</b> Funding for clean energy household electrification projects that benefit Tribal communities. Funding opportunities can range from early planning stages to implementation. Funds are also available for technical assistance, procurement assistance, and utility system assistance.</p>	<p>Funds flow from the federal government to Tribes and Tribal organizations through competitive grants.</p> 



## POOR IMPLEMENTATION

### could squander the promise of these green investments for low-income households

The ways that local communities choose to use these IRA grant programs will vary widely, as will the unique challenges and concerns presented by each project. But some of the main challenges in program implementation will likely include:

#### 1. Prioritizing rental housing investments in larger, flexible IRA funding pots.

Programs like the Greenhouse Gas Reduction Fund and Direct Pay can be used for a wide variety of investments, and there are no requirements that localities or nonprofits use them to improve living conditions for renters. There is therefore a concern that communities will pass by an opportunity to make meaningful progress on addressing the intersecting housing and climate crises.



2. **Getting funding to tenants in private-market rental housing.** The vast majority of renters in the US live in unsubsidized housing. Typically, the nonprofit housing providers and localities that will be eligible to apply for grant funding do not own the majority of rental housing within a neighborhood, and will therefore have to navigate the complex web of private ownership to make an impact. Furthermore, landlords may have deferred maintenance needs that have to be addressed before other upgrades can happen, and in some contexts, make properties ineligible for energy upgrades.



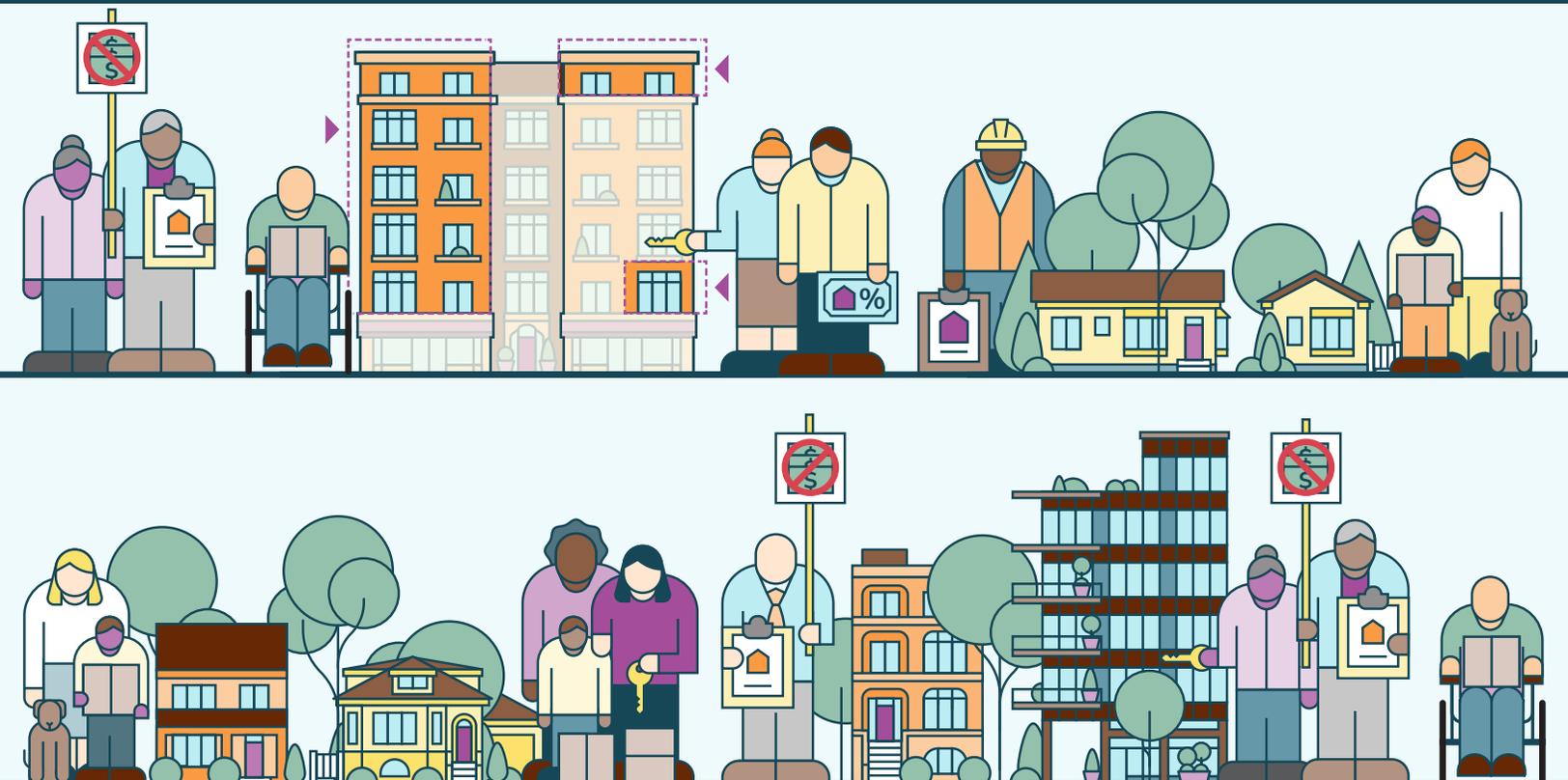
3. **Preventing displacement in Environmental Justice communities.** While low-income neighborhoods and Environmental Justice communities are prioritized in several of these IRA funding streams, Congress did not build in conditions on funding that would bar displacement practices. Without tenant protections in place, large-scale investments in low-income communities could lead to mass displacement in the form of rent hikes, evictions, lease nonrenewals, or decarbonization policies that fail to mandate a right to return after large repairs that require tenants to vacate a property. Funding flowing through competitive grants also tends to disadvantage poorer, capacity-constrained localities, which could in turn disadvantage renters.<sup>33</sup> While many of these grant programs require that funding flows to low-income communities, there are still a myriad of structural challenges that will make this more difficult — such as community-level capacity constraints to learning about and applying for funding.



33 Jared Brey, "Measuring Equity in Federal Infrastructure Spending," *Governing*, October 26, 2023, <https://www.governing.com/policy/measuring-equity-in-federal-infrastructure-spending>.

## Part 2

# Opportunities For Organizing & Advocacy



# Opportunities For Organizing & Advocacy

IRA implementation is underway, and the coming months and years present organizers, advocates, and policymakers with a key window of opportunity to influence implementation, direct money toward tenants who most need repairs and retrofits, and ensure that the safeguards tenants need are in place.

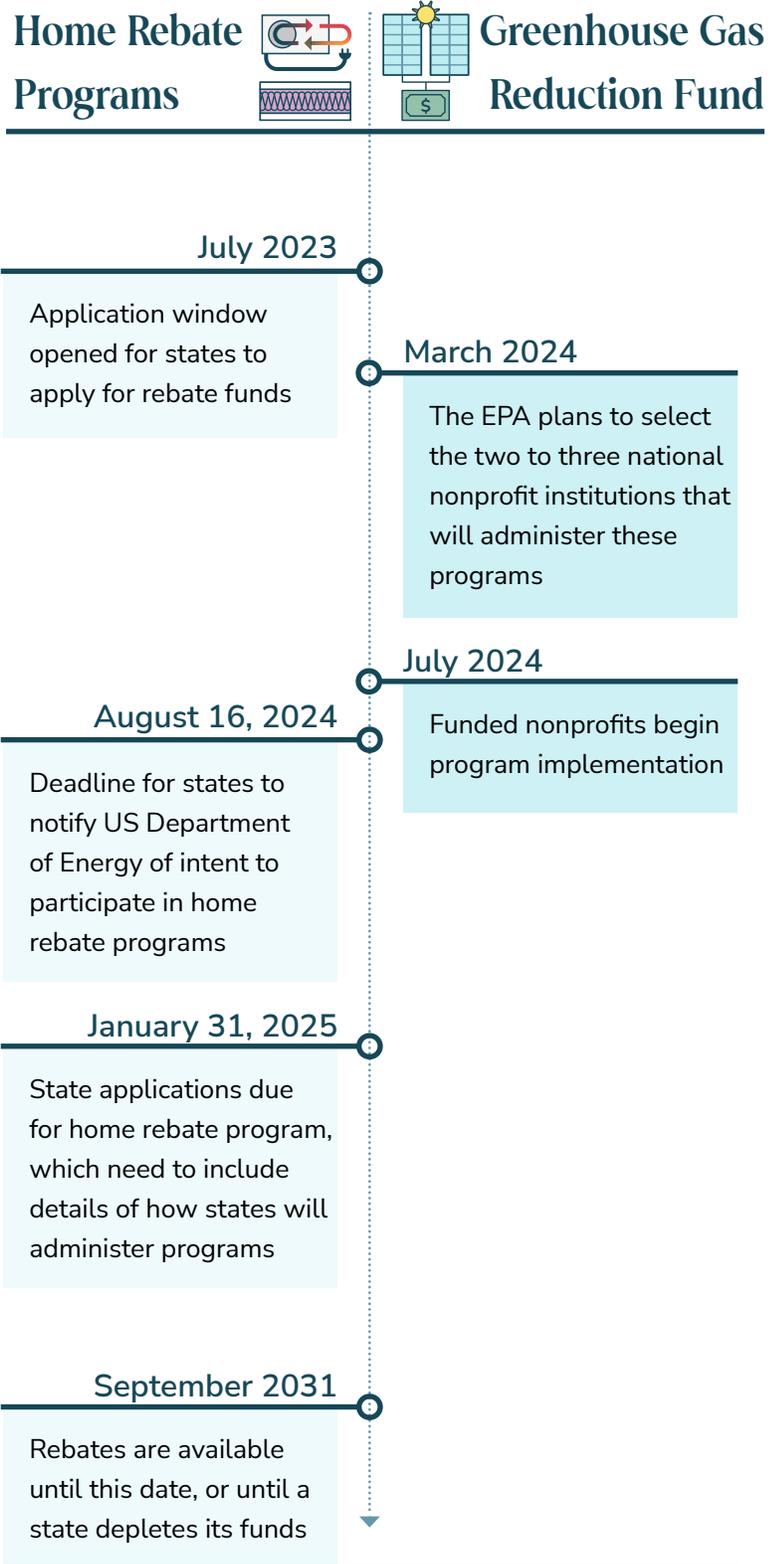


Figure 3. Key Milestones

# ADVOCACY IDEAS TO STRENGTHEN IRA IMPLEMENTATION FOR RENTERS



## Idea 1:

**Advocate for State Energy Offices to design implementation plans that will protect renters and direct IRA rebates to those most in need.** Throughout 2024, State Energy Offices will apply to administer state-level rebate programs (you can find your State Energy Office here). The DOE has made it clear that these agencies can add additional layers of direction that promote the equitable distribution of funding.<sup>34</sup> This could include:

 **Conditions on rebate funds to ensure long-term rent stabilization, just cause eviction protections, and enforced anti-retaliation measures.**

In state applications for rebate funding, the DOE requires that State Energy Offices explain how renters will not be adversely affected by upgrades. This is an opportunity for State Energy Offices to set new standards that bar displacement. This could include new rent stabilization laws and just cause eviction protections. Advocates can also push for any tenant protections to come with clear enforcement mechanisms and funding. Lastly, since many energy upgrades cannot take place until underlying habitability issues have been addressed, advocates can help ensure that rebate funds are tied to more holistic home repairs that tenants need to address deferred maintenance.

 **Require relocation fees and a right to return after rebate-funded upgrades.**

State Energy Offices could require temporary relocation fees and a mandated right to return to the rental unit following any deep retrofits that make the home temporarily uninhabitable.

 **Prioritize rental housing in rebate dissemination.** The DOE has set requirements that 40 percent of funding goes toward low-income housing, but states can create policies to surpass that minimum threshold and set new standards for rental housing. Organizers can also help ensure that State Energy Offices do not place any further restrictions on means testing funds or limiting resources based on tenants' immigration status.

 **Work with tenant organizers, labor unions, and community organizations to proactively determine where rebate funds will most benefit vulnerable tenants.** The DOE requires that states develop a community engagement plan. This presents an opportunity to ensure that State Energy Offices are working directly with tenants and allied organizations. This is also an opportunity to ensure that states include “Know Your Rights” communications in a variety of languages so that tenants are aware of the federal and local tenant protections associated with rebate-funded developments.



34 US DOE, *Inflation Reduction Act Home Energy Rebates*.

## Idea 2:

**Push for state and/or local legislation that creates new guardrails and directives for IRA funding to better support tenants.** In the coming year, state and local budget cycles will include opportunities to advance further requirements on funding. Advocates can use budget and legislative cycles in their communities to advance new requirements on IRA funding that better serve the needs of renters.

-  This could include pushing for local ordinances conditioning all IRA funding to buildings and place-based investments on a set of tenant protections — like good cause eviction protections and anti-rent gouging measures — that will ensure tenants can stay housed.
-  It could also include pushing for state legislation requiring “Know Your Rights” communications and enforcement plans for the federal tenant protections guidelines.



## Idea 3:

**Advocate to local or county governments for Direct Pay initiatives that prioritize healthy housing upgrades for renters.** The Direct Pay provisions in the IRA allow local governments to get reimbursed for climate resilience upgrades, including within the residential building sector. These funds are broad in nature, giving localities the flexibility to leverage them for local priorities.

-  Advocates can push for localities to prioritize healthy housing and clean energy upgrades for renters and program design provisions that safeguard against tenant exploitation.
-  Advocates can also organize to prioritize Direct Pay projects in lower-income communities and communities of color. This has the potential to lower utility bills and limit pollution for renters who are disproportionately harmed.



## Idea 4:

**Hold landlords accountable to using IRA rebate funds to improve tenants’ building conditions.** Landlords have the power to leverage rebate funding or ignore it. If local landlords have been citing a lack of funds as a reason to not make repairs — or suggesting that rent hikes are the only way for repairs to work financially — there is now other funding available that they can use to make repairs without needing to pass costs onto tenants. Given fears around landlord retaliation, it is important for coalitions of housing advocates to join in solidarity with tenants to demand repairs and get these important needs into the public eye as a form of accountability.



## Idea 5:

**Engage with state or local green banks on questions around equitable building decarbonization.** As of 2021, there are 21 Green Banks across 16 states and Washington, DC (you can find a Green Bank that serves your community here). Many green banks are receiving funding through pots of IRA funding that can in turn be used to further housing justice. Green banks' priorities and willingness to work with advocates varies significantly by state. Green banks could funnel money into a sustainable affordable housing fund to do retrofits in low- and moderate-income households, instead of having them do household-level financing.



## Idea 6:

**Leverage the context of and roadblocks to the IRA to set new horizons and shift the window of opportunity for housing and environmental justice.** This could include:

-  Pushing for green social housing outside of the speculative real estate market;
-  Universal rent stabilization measures that prevent the rising costs of the climate crisis from being passed on to vulnerable renters;
-  Good cause eviction protections that limit the risk of displacement and eviction following green investments;
-  A tenants' bill of rights that includes habitability and healthy living standards that landlords must follow, with strong enforcement hooks; and
-  Advancing state climate plans that center the needs of renters.

## Decarbonization with Tenant Protections

### Example: Whole-Home Repair Act, Pennsylvania



In 2022, Pennsylvania passed the Whole-Home Repair Act with bipartisan support, providing grants and loans to make housing more habitable, energy efficient, and accessible. The law conditions funding on a strong set of tenant protections:

-  Landlords who receive funds must renew their tenants' leases for at least three years following the repairs; and
-  Landlords who receive funds must commit to only modest (at most 3 percent) rent increases for the term of the loan, which is typically 15 years.

This bill passed with bipartisan support in a politically divided state, and sets an important precedent for the future of equitable decarbonization efforts in the rental market.

# Conclusion



## MOBILIZING FOR A BROADER TENANTS RIGHTS AGENDA BEYOND THE IRA

Attempting to invest in climate resilience in a real estate market that prioritizes profit over people's safety will not provide the racially just, healthy, and affordable living situations that everyone deserves. Without tenant protections, rent control, and community-controlled housing, getting the resources for deep retrofits into the hands of renters so that they can improve their living conditions is challenging.

This brief outlines steps that can be taken within current market and funding conditions to get us closer to a system in which rental housing is safe, healthy, and permanently affordable. Digging into the IRA home decarbonization programs demonstrates the need for a broader tenant rights agenda in the face of increasing climate threats and the capricious, arbitrary outcomes of the for-profit housing market.

Campaigns and coalitions that unite environmental justice and tenant organizers are becoming increasingly common and successful. From Pennsylvania to Hawaii, we are seeing the impact that unified coalitions can have in stemming displacement while communities rebuild from disasters or invest in rehabbing hazardous living situations. This includes campaigns to save our public housing stock, pass good cause eviction policies that keep renters housed, ban egregious rent hikes, and include a tenants' bill of rights in climate plans.

The shortcomings of current federal decarbonization funding also underscores the importance of tenant organizing as a direct path to winning building condition improvements outside the policy or legislative realm. The lack of ambition in the IRA to meaningfully push housing justice forward, as well as the discrepancies between the reality of how renters experience housing conditions compared to how the federal government allocates funding, require that we bring our attention to supporting local struggles for tenant power and justice. Across the country, we have seen the value of tenants organizing with their neighbors to demand building improvements from their landlords. As the model of tenant organizing continues to spread, organizers can consider incorporating more healthy housing and climate justice demands into their collective bargaining fights.

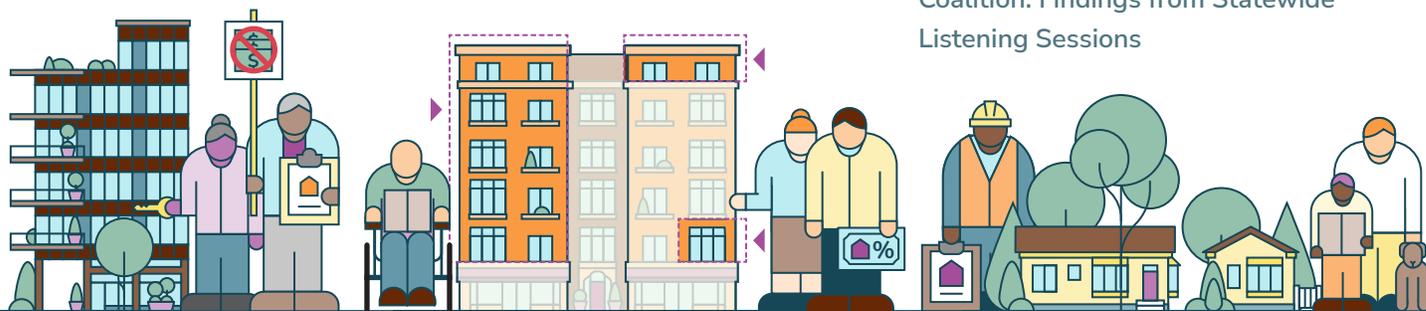
# Additional Resources

## ABOUT THE INFLATION REDUCTION ACT:

-  [Inflation Reduction Act: The Good, The Bad, The Ugly \(a Climate and Community Project primer on the IRA\)](#)
-  [NHLP's Principles on the Inflation Reduction Act and Other Energy Investments \(National Housing Law Project\)](#)
-  [Inflation Reduction Act: Campaign Opportunities for State Coalitions to Advance a Green New Deal \(Green New Deal Network\)](#)
-  [How to Decarbonize Your Home with the Inflation Reduction Act \(Heatmap\)](#)

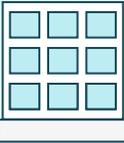
## ABOUT EQUITABLE DECARBONIZATION AND TENANT JUSTICE:

-  [Los Angeles Building Decarbonization: Tenant Impact and Recommendations \(Strategic Actions for a Just Economy\)](#)
-  [Out of Gas, in with Justice \(WE ACT for Environmental Justice\)](#)
-  [Building Energy, Equity & Power \(BEEP\) Coalition: Findings from Statewide Listening Sessions](#)



# Appendix A.

**Table 1. Examples of home improvements that are reimbursed through the Inflation Reduction Act**

	Upgrade Type	Costs & Rebate Amounts
	<b>Insulation</b> to lower utility bills and make homes warmer and safer during extreme weather events. <sup>35</sup>	<b>Average cost range:</b> Costs vary widely based on insulation needs, building age, and condition. In 2023, the typical cost to insulate a unit was \$3,000 to \$10,000.  <b>Maximum reimbursement:</b> \$1,200 in tax credits.
	<b>Door improvements</b> to lower utility bills and make homes less drafty. New doors can also make units safer and minimize rodents.	<b>Average cost range:</b> The average cost of a new exterior door is \$600 to \$1,500. <sup>36</sup>  <b>Maximum reimbursement:</b> \$500 in tax credits.
	<b>Window improvements</b> to better protect renters from extreme weather events and improve insulation. New windows can also make units safer and minimize rodents.	<b>Average cost range:</b> \$325 to \$850 per insulated thermal window. <sup>37</sup>  <b>Maximum reimbursement:</b> \$600 in tax credits.
	<b>Electric stove/cooktop</b> to cook without exposing tenants to gas, which can have negative health impacts.	<b>Average cost:</b> \$1,300. <sup>38</sup>  <b>Maximum reimbursement:</b> \$840, plus up to \$1,200 via tax credits.
	<b>Continued Next Page...</b>	

35 Scott Minos, "Reduce your Heating Bills with Better Insulation," *Energy Saver* (blog), US Department of Energy, January 6, 2023, <https://www.energy.gov/energysaver/articles/reduce-your-heating-bills-better-insulation>.

36 Lawrence Bonk, "How Much Does Front Door Installation and Replacement Cost?" *Forbes*, June 12, 2023, <https://www.forbes.com/home-improvement/doors/front-door-installation-replacement-cost/>.

37 "Thermal Windows Buying Guide," Modernize Home Services, accessed November 17, 2023, <https://modernize.com/windows/energy-efficient/thermal-windows#:~:text=To%20install%20an%20energy%2Defficient,with%20higher%20Energy%20Star%20ratings.>

38 Rewiring America, "Watts the Deal with Induction?" *Rewiring America* (newsletter), July 28, 2023, <https://www.rewiringamerica.org/newsletter/watts-the-deal-with-induction>.

**Table 1. Examples of home improvements that are reimbursed through the Inflation Reduction Act (Continued)**

	Upgrade Type	Costs & Rebate Amounts
	<p><b>Heat pumps</b> to heat and cool a building without relying on fossil fuels. Window-unit heat pumps can provide similar benefits to renters in multifamily properties. Heat pumps can also reduce utility bills.<sup>39</sup></p>	<p><b>Average cost range:</b> Prices vary significantly, but current average price for installation is \$5,500.<sup>40</sup></p> <p><b>Maximum reimbursement:</b> \$8,000 in rebates, plus \$2,000 via tax credits</p>
	<p><b>Heat pump water heaters</b> to heat and cool water for cooking and showering. Heat pump water heaters are two to three times more efficient than traditional water heaters and work in all climates.<sup>41</sup></p>	<p><b>Average cost range:</b> Typically ranges from \$1,500 to \$3,000, but can cost significantly more in a multifamily setting.<sup>42</sup></p> <p><b>Maximum reimbursement:</b> \$1,750 via rebates, plus \$2,000 via tax credits.</p>
	<p><b>Heat pump clothes dryer</b> to make it easier to wash clothes in-unit without increasing utility costs.</p>	<p><b>Average cost range:</b> \$1,000.<sup>43</sup></p> <p><b>Maximum reimbursement:</b> \$840, plus up to \$1,200 via tax credits.</p>
<p>Continued Next Page...</p>		

39 “3 Ways Heat Pumps Save You Money,” *Rewiring America*, accessed November 17, 2023, <https://www.rewiringamerica.org/my-home/heating-and-cooling/heat-pumps-save-money>.

40 Timothy Moore and Corinne Tynan, “How Much Does Heat Pump Installation Cost?,” *Forbes Home*, updated January 10, 2024, <https://www.forbes.com/home-improvement/hvac/heat-pump-installation-cost/>.

41 “Heat Pump Water Heater,” *Rewiring America*, accessed November 17, 2023, <https://www.rewiringamerica.org/app/ira-calculator/information/heat-pump-water-heater>.

42 “What Goes into the Cost of Installing a Heat Pump Water Heater?” ENERGY STAR, accessed November 17, 2023, <https://www.energystar.gov/products/ask-the-experts/what-goes-into-the-cost-of-installing-a-heat-pump-water-heater#:~:text=If%20you%20are%20replacing%20a,which%20become%20a%20consideration%20if>.

43 Jeanne Huber, “Are You Ready for a Heat-Pump Dryer?” *Washington Post*, June 21, 2021, [https://www.washingtonpost.com/lifestyle/home/are-you-ready-for-a-heat-pump-dryer/2021/06/19/caa6e5d2-c7a8-11eb-a11b-6c6191ccd599\\_story.html](https://www.washingtonpost.com/lifestyle/home/are-you-ready-for-a-heat-pump-dryer/2021/06/19/caa6e5d2-c7a8-11eb-a11b-6c6191ccd599_story.html).

**Table 1. Examples of home improvements that are reimbursed through the Inflation Reduction Act (Continued)**

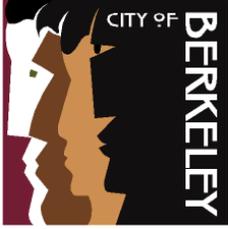
	Upgrade Type	Costs & Rebate Amounts
	<p><b>Breaker box</b> upgrades to allow for higher electrical loads and minimize outages.</p>	<p><i>Average cost:</i> \$1,280 to \$2,700.<sup>44</sup></p> <p><i>Maximum reimbursement:</i> \$4,000 in rebates.</p>
	<p><b>Electric wiring</b> changes to increase safety and resilience during disasters and improve home energy efficiency.</p>	<p><i>Average cost range:</i> \$7,000.<sup>45</sup></p> <p><i>Maximum reimbursement:</i> \$2,500 in rebates.</p>

**Note:** For low-income households, up to 100 percent of costs can be covered, including installation. For moderate-income households, up to 50 percent of costs can be covered. Rebates also include contractor rebates of up to \$500 per project. This is not an exhaustive list of eligible unit- or building-level upgrades possible through the Inflation Reduction Act.

**Source:** Adapted from Rewiring America's Fact Sheets on Residential Energy Efficiency Tax Credits and Electrification Rebates.

<sup>44</sup> Aliza Vigderman and Corinne Tynan. "What Is the Cost to Replace an Electrical Panel in 2023?" *Forbes Home*, September 13, 2023, <https://www.forbes.com/home-improvement/electrical/electrical-panel-replacement-cost/>.

<sup>45</sup> Allie Ogletree, "How Much Does It Cost to Rewire a House in 2023?" *Forbes Home*, September 11, 2023, <https://www.forbes.com/home-improvement/electrical/cost-to-rewire-a-house/>.



Rent Stabilization Board

DATE: March 21, 2024  
 TO: Honorable Members of the Rent Stabilization Board  
 FROM: Lief Bursell, Senior Planner  
 SUBJECT: Status Update on Berkeley Demolition Ordinance Applications

**Residential Dwelling Unit Demolition Application Update**

At the request of Rent Board Chairperson Simon-Weisberg, staff has compiled an update on development applications proposing the demolition residential dwelling units with information on whether the projects are proposing one-to-one replacement of rent-controlled units with new below-market-rate (BMR) units.

Beginning in calendar year 2022, there have been twelve development applications that propose the demolition of existing buildings that contain residential units, ten of which have existing residential units that have been subject to rent control. These applications propose the removal of a total of eighty-three residential units, forty-two of which were occupied by tenants at the time Rent Board staff reviewed the application. The only application status change that the project at 1330 Haskell Street (involving the demolition of a former golden duplex with no tenant rental history) was approved by, and the project at 2427-33 San Pablo Avenue changed from “under review” to “complete”. As of March 15, 2024, there are no new demolition projects to report.

<b>Project Status (As of 12/15/23)</b>	<b># Projects</b>	<b># Existing Units</b>	<b>Tenant Occupied</b>	<b># BMR Units</b>	<b>Net Gain/Loss</b>
<b>ZAB Approved</b>	5	32	13	24	-8
<b>App. Complete</b>	2	13	13	11	-2
<b>Under Review</b>	3	26	8	71	+45
<b>Pre-Application</b>	2	12	8	16	+4
<b>Total</b>	12	83	42	122	+39

Overall, if these projects all are approved and moved forward to construction, they would result in a net gain of thirty-nine BMR units (beyond the for-one replacement of a BMR unit for each existing residential unit).

**Attachments:**

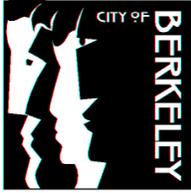
1) Residential Demolition 3-21-2024 Project Information

**Name and Telephone Number of Contact Person:**

Lief Bursell, Senior Planner (510) 981-7368

## Attachment 1.

Application Date	Project Address	Application Type	Application Status	Project Description	# Existing Residential Units Proposed for Demolition	# Tenant Occupied Units	# Replacement Units	One to One Replacement with BMR?	Total BMR Units	Council District
8/4/2023	1330 Haskell St.	Use Permit	Approved by ZAB (2/22/2024)	Construct two detached units in place of existing duplex.	2	0	0 BMR	No	0	2
6/22/2023	2733 San Pablo Ave	Use Permit	Application under review	Construct a new 8-story mixed-use building with 152 dwelling units	2	0	2 BMR	Yes	16	2
5/20/2023	1790 University Ave	Use Permit	Application Complete (12/6/2023)	Construct a five-story mixed-use building containing 17 dwelling units and ground floor commercial space.	1	1	1 BMR	Yes	2	4
4/26/2023	2127-59 Dwight Way	Use Permit	Approved by ZAB (11/30/2023)	Construct a six-story multi-family building, with 58 new dwelling units	8	5	7 BMR	No	7	4
2/10/2023	2300-10 Ellsworth St.	Use Permit	Application Complete (9/21/2023)	Construct a seven-story residential building with 69 units.	12	12	9 BMR	No	9	7
1/23/2023	2601 San Pablo Avenue (1110-12 Parker and 2609 San Pablo)	SB 330 Pre-App	SB 330 Preliminary Application Complete (12/5/2023)	Merge six parcels and construct an eight-story mixed-use residential development with 242 dwelling units	4	2	4 BMR	Yes	4	2
12/2/2022	3030 Telegraph (aka 2330-36 Webster)	Use Permit	Approved by ZAB on 6/08	Construct 5-Story mixed-use building with 144 dwellings	4	0	4 BMR	Yes	8	8
11/14/2022	2538 Durant	Use Permit	Approved on consent by ZAB on 4/27/2023	Demolish 12 dwelling units & develop an eight-story residential building with 83 units	12	8	6 BMR	No	6	7
10/20/2022	2138 Center Street (aka 2128 Oxford)	Use Permit	Application under review	Merge two lots to construct a 17 story mixed-used building with 485 dwelling	16	0	16 BMR	Yes	47	4
9/22/2022	2427-33 San Pablo Avenue	Use Permit	Application Complete (2/6/2024)	Construct a five-residential replacement apartment units and Group Living Accomodation (GLA) with 77 private rooms	8	8	8 BMR	Yes	8	2
5/10/2022	1827 & 1899 Oxford	SB 330 Pre-App	SB 330 Preliminary Application Under Review	Construct 118 new dwellings with 12 BMR	8	6	8 BMR	Yes	12	6
5/10/2022	1773 Oxford	Use Permit	Approved by ZAB on 1/12/2023	Demolish six units and develop a five-story residential building with 22 units	6	0	3 BMR	No	3	6



Rent Stabilization Board  
Legal Unit

DATE: May 16, 2024  
TO: Honorable Members of Rent Stabilization Board  
FROM: LIRA Committee  
By: Matt Brown, General Counsel  
SUBJECT: Proposed Amendments to Regulation 1013 [Vacancy Rent Adjustment] – Second Reading

**Recommendation**

That the full Board adopt the following proposal to amend Regulation 1013 to allow the Board to require a landlord to maintain a tenant’s rent ceiling after certain accommodation-based moves. The LIRA Committee reviewed staff’s proposed amendments at their April 9, 2024 committee meeting and unanimously recommended adoption of this proposal. The Board voted unanimously to adopt the proposed amendments at the April 18, 2024 meeting.

**Background**

The Costa-Hawkins Rental Housing Act (“Costa Hawkins”) establishes “vacancy decontrol.” In most circumstances, a local jurisdiction with a rent stabilization ordinance, such as Berkeley, is not permitted to control the rent that a landlord of a residential rental unit charges when a new tenant moves into a unit. Effective January 1, 2024 AB 1620 amends Costa-Hawkins and allows local jurisdictions the discretion to require that landlords allow tenants move to an available accessible unit while continuing to maintain the same rental rate and other lease terms and conditions under certain conditions.

State and federal fair housing laws<sup>1</sup> require landlords to make reasonable changes to their practices and policies in order to make housing accessible to individuals with a disability. Such changes are known as “reasonable accommodations.” A tenant’s request to move from their current unit to an accessible unit due to a condition which limits the tenant’s mobility is a common example of a reasonable accommodation.

AB 1620 amends Civil Code section 1954.53 to make explicit that a rent-controlled tenant’s move to a similar, accessible unit does not allow the landlord to set a new rental amount (or change any other existing terms of tenancy) when the following conditions exist:

- 1) The move is determined to be necessary to accommodate the tenant's physical disability related to mobility;
- 2) There is no operational elevator that serves the floor of the tenant's current dwelling or unit;

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<sup>1</sup> Government Code § 12955 and Cal. Code Regs. Tit. 2, § 12176; 42 U.S.C. § 3604(f)(3)(B).

- 3) The new dwelling or unit is in the same building or on the same parcel with at least four other units and shares the same owner;
- 4) The new dwelling or unit does not require renovation to comply with applicable requirements of the Health and Safety Code;
- 5) The applicable rent control board or authority determines that the owner will continue to receive a fair rate of return or offers an administrative procedure ensuring a fair rate of return for the new unit;
- 6) The tenant is not subject to eviction for nonpayment;
- 7) The tenant has a permanent physical disability as defined in subdivision (m) of Section 12926 of the Government Code and that is related to mobility; and
- 8) The tenant provides the owner a written request to move into an available comparable or smaller unit located on an accessible floor of the property prior to that unit becoming available.

AB 1620 does not require a local jurisdiction to adopt a policy prohibiting landlords from setting a new rent after a tenant makes an accessibility-based moved as defined above. Therefore, if it is the Board's intent to prohibit such increases, the Board must enact implementation regulations.

The Board has adopted regulations concerning permissible vacancy rent increases. Regulation 1013 sets out the parameters of what constitutes a vacancy that would allow a landlord to set a new initial rent as well as the circumstances under which a vacancy rent increase is not permitted. Legal Staff recommends this the full Board approve the attached amendments to Regulation 1013 in order to permit the Board to enforce AB 1620.

Regulation 1264 sets forth the procedure by which a landlord may petition the Board to seeks a "fair return" on a rental property. This Regulation is sufficient as written to address the fifth requirement listed above.

**Name and Telephone Number of Contact Person**

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

\*Attachment – Regulation 1013 with proposed amendments

1013. Vacancy Rent Adjustment - Page 1

(A) New Maximum Allowable Rent

(1) Pursuant to Section 1954.50, et seq. of the Civil Code, the landlord may establish the lawful maximum allowable rent for any controlled rental unit consistent with this regulation. The new rent level shall thereafter become the maximum lawful rent ceiling for the unit for all purposes including, but not limited to, the computation of all future rent adjustments. The unit shall otherwise remain controlled by all other regulations of the Rent Board.

(2) In this Regulation the terms “new rent level,” “new rent ceiling” and “initial rental rate” refer to the rent established by the landlord for a tenant whose tenancy becomes effective after January 1, 1996. For tenancies commencing on or after January 1, 1999, the “initial rent” for a rental unit shall be the monthly market rent established by the parties at the commencement of the most recent tenancy. Where the rental agreement includes periods for which the tenant pays reduced, discounted or “free” rent, the “monthly market rent is calculated as the average of the monthly payments made during the initial term of the agreement or, in the case of a month-to-month tenancy, during the first twelve months of the tenancy.

(3) Required provisions in rental agreements that contain periods for which the tenant pays reduced, discounted or “free” rent.

When the written rental agreement includes periods for which the tenant pays reduced, discounted or “free” rent, the rental agreement must include a clause identifying what the rent ceiling will be following the expiration of the initial term of the tenancy; or, in the case of a month to month tenancy, after the first twelve months of the tenancy. The rent ceiling shall be calculated in accordance with the averaging requirements as set forth in Section 1013(A) (2) herein.

This statement must be in at least fourteen point font and in close proximity to the space reserved for the tenant’s signature.

The provisions of 1013(A) (3) described herein shall become effective for initial rental agreements entered into no sooner than fifteen days after the date this regulation becomes effective.

(B) Vacancy Rent Levels

(1) Commencing January 1, 1996, a landlord may establish the initial rent rate for all new tenancies consistent with Civil Code Section 1954.50, et seq., and any Board regulations enacted consistent therewith, except where any of the following applies:

(a) (i) The previous tenancy has been lawfully terminated by the landlord pursuant to Civil Code Section 1946, unless the tenancy was terminated prior to December 31, 1994 pursuant to Berkeley Municipal Code section 13.76.130A.9. in order for the landlord to

1013. Vacancy Rent Adjustment - Page 2

recover possession of the unit for his or her own use and occupancy as his or her principal residence or for use and occupancy as a principal residence by the landlord's spouse, child or parent and the landlord or relative thereafter resided continuously at the unit for at least two years; or

(ii) The previous tenancy has been lawfully terminated upon a change in terms of tenancy noticed pursuant to Civil Code Section 827, except a change permitted by law in the amount of rent or fees or resulting from the owner's termination of or failure to renew a contract or recorded agreement with the Berkeley Housing Authority or any other governmental agency that provided for a rent limitation to a qualified tenant of the unit. A tenancy shall be presumed to have terminated upon a change in terms of tenancy if the tenant(s) vacate(s) the rental unit within twelve months of the landlord's unilateral change in the terms of the lease. Absent a showing by the landlord that the tenant(s) vacated for reasons other than the change in the terms of the lease, the initial rental rate for the new tenancy shall be no greater than the most recent rent ceiling (prior to the new tenancy).

(b) The new tenancy began within three years of the date that the owner terminated or failed to renew a contract or recorded agreement with the Berkeley Housing Authority or any other governmental agency that provided for a rent limitation to a qualified tenant of the unit, unless, for tenancies established after January 1, 2000, the new tenancy is exempted from this limitation pursuant to Civil Code Section 1954.53(a)(1)(B). During the three year period, the rental rate for any new tenancy established in that vacated unit shall be at the same rate as under the terminated or nonrenewed contract or recorded agreement, increased by any subsequently authorized Annual General Adjustments.

(c) The landlord has otherwise agreed by contract with the City of Berkeley or any other public entity to limit or otherwise restrict rent levels in consideration for a direct financial contribution or any other forms of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of title 7 of the Government Code.

(d) The dwelling or unit has been cited in an inspection report by the appropriate government agency as containing serious health, safety, fire or building code violations, as defined by Health & Safety Code Section 17920.3 excluding those caused by disasters, for which a citation was issued at least 60 days prior to the date of the vacancy, and the cited violation had not been abated when the prior tenant vacated and had remained unabated for at least 60 days, unless the time for correction was extended by the agency that issued the citation.

(e) The prior tenant vacated the property as a proximate result of the conduct by the landlord which constitutes acts prohibited by law, or which constitutes constructive eviction or a breach of the covenant of quiet enjoyment of the property.

(f) The prior tenant was the spouse, child or parent of a landlord who recovered

1013. Vacancy Rent Adjustment - Page 3

possession of the unit pursuant to Berkeley Municipal Code section 13.76.130.A.9b.

(g) The initial rental rate as described in this section shall not, until January 1, 1999, exceed the amount calculated pursuant to subdivision (2) below. Nothing herein, however, shall prevent a landlord from charging a new rent level which is less than any preexisting rent ceiling.

*(h) Tenant's Request to Move to an Accessible Unit.*

(i) A landlord must permit a tenant who is not subject to eviction for nonpayment and who has a permanent physical disability as defined in subdivision (m) of Section 12926 of the Government Code and that is related to mobility to move to an available comparable or smaller unit on an accessible floor of the property.

(ii) A landlord subject to subsection (i) shall comply with any requirement to engage in an interactive process with the tenant, including Sections 12177 to 12180, inclusive, of Title 2 of the California Code of Regulations and shall allow the tenant to retain their rental agreement at the same rental rate and terms of the existing agreement if all of the following apply:

- A) The move is determined to be necessary to accommodate the tenant's physical disability related to mobility.
- B) There is no operational elevator that serves the floor of the tenant's current dwelling or unit.
- C) The new dwelling or unit is in the same building or on the same parcel with at least four other units and shares the same owner.
- D) The new dwelling or unit does not require renovation to comply with applicable requirements of the Health and Safety Code.
- E) The tenant provides the owner a written request to move into an available comparable or smaller unit located on an accessible floor of the property prior to that unit becoming available.

(iii) For purposes of this section, "comparable or smaller unit" means a dwelling or unit that has the same or fewer bedrooms and bathrooms, square footage, and parking spaces as the unit being vacated.

(iv) This section shall not apply if the owner, or their spouse, domestic partner, children, grandchildren, parents, or grandparents, intend to occupy the available comparable or smaller unit located on an accessible floor of the property.

1013. Vacancy Rent Adjustment - Page 4

(v) Any security deposit paid by the tenant in connection with their rental of the dwelling or unit being vacated shall be handled in accordance with California Civil Code Section 1950.5 upon the tenant's move pursuant to this paragraph.

(vi) This section shall not apply unless all of the tenants on the lease agree to move to the available comparable or smaller unit located on an accessible floor of the property pursuant to the request of the tenant with the physical disability.

(vii) This paragraph shall not be construed to prevent owners of residential real property from granting reasonable accommodations to change housing units and retain the existing lease at the same rental rate.

(2) Before January 1, 1999, no landlord may set an initial rent level except upon the occurrence of a voluntary vacancy, abandonment, or an eviction for non-payment of rent, and an initial rent level may be set at an amount no greater than:

(a) Fifteen percent (15%) more than the rent in effect for the immediately preceding tenancy, or

(b) Seventy percent (70%) of the prevailing market rents in effect at the time of the beginning of the new tenancy for comparable units as established by HUD Fair Market Rents (FMRs) or,

(c) The lawful rent ceiling.

(d) Fifteen percent (15%) more than the rent in effect for the immediately preceding tenancy plus increases in the lawful rent ceiling for which the landlord became eligible but which were not implemented because the tenancy ended in December and the new tenancy began in January of the following year.

(3) As used in this subsection, the term "rent in effect" shall mean the last rent actually paid by the last tenant to occupy the unit and pay rent.

(4) The rent increases authorized by subsection (B)(2) shall not occur more than twice for any unit between January 1, 1996 and December 31, 1998. Where the initial rent imposed by a landlord on or after January 1, 1996 is no more than the rent in effect for the immediately preceding tenancy, the initial rent shall not count as one of the two increases authorized by this subsection. Nothing contained herein negates the obligation contained in Subsection (K) of this Regulation to register all new tenancies which commence after January 1, 1996.

(C) Single Family Residences

1013. Vacancy Rent Adjustment - Page 5

(1) For purposes of this Regulation, a single family residence is defined as a unit that is alienable separate from the title to any other dwelling unit or is a subdivided interest in a subdivision as specified in subdivision (b), (d) or (f) section 11004.5 of the Business and Professions Code.

(2) Commencing January 1, 1996, with regard to a single-family residence that has not been rented since May 31, 1980, the landlord may establish the initial and all subsequent rental rates for all new tenancies.

(3) Commencing January 1, 1996, the landlord may establish the rent level for a new tenancy in a single-family residence consistent with subsection (B) of this regulation.

(4) Commencing January 1, 1999, the landlord may establish the initial and all subsequent rental rates of a single-family residence for all new tenancies except where:

(a) The preceding tenancy has been terminated by the landlord by notice pursuant to Section 1946 of the Civil Code or has been terminated upon the change in terms of tenancy noticed pursuant to Section 827 of the Civil Code.

(b) The landlord has otherwise agreed by contract with the City of Berkeley or any other public entity to limit or otherwise restrict rent levels in consideration for a direct financial contribution or any other forms of assistance specified in Chapter 4.3 (commencing with Section 65915) of Division 1 of title 7 of the Government Code.

(c) The dwelling or unit contains serious health, safety, fire or building code violations, excluding those caused by disasters, for which a citation has been issued by the appropriate governmental agency, and which citation has remained unabated for six months or longer preceding the vacancy.

(d) The dwelling or unit is a condominium that has not been sold separately by the subdivider to a bona fide purchaser for value.

(5) The landlord may establish the initial and all subsequent rental rates pursuant to this subsection for all existing and new tenancies in effect on or after January 1, 1999, if the tenancy was created between January 1, 1996 and December 31, 1998.

(D) Rent Defined

(1) For purposes of this regulation, "rent" is defined as the rent in effect for the immediately preceding tenancy which did not exceed the lawful rent ceiling.

(2) For the purpose of this Regulation, the term "rent" does not include any fees or charges paid by the tenant to the landlord pursuant to a lawful separate agreement between the tenant

1013. Vacancy Rent Adjustment - Page 6

and the landlord as defined in Regulation 1012.

(3) The rent level established by the landlord pursuant to this Regulation shall become the new rent ceiling for the unit.

(E) Landlord Defined

“Landlord,” as used in this regulation, means an owner of record, lessor, or any other person or entity entitled to receive rent for the use or occupancy of any rental unit, or an agent, representative or successor of any of the foregoing.

(F) Prevailing Market Rents

(1) “Prevailing Market Rents” are defined as the rental rate that would be authorized for comparable units pursuant to 42 U.S.C.A. 1437(f), as calculated by the United States Department of Housing and Urban Development (HUD) pursuant to Part 888 of Title 24 of the code of Federal regulations. For purposes of this regulation, of the prevailing market rents shall be referred to as HUD FMRs (“fair market rents”), and include the cost of utilities except telephone.

(2) “Comparable units” for the purpose of this subsection is defined as those rental units that have the same number of bedrooms. A "bedroom" shall include a room intended for sleeping which conforms to the provisions of Chapter 5 of the Uniform Housing Code, being not smaller than seventy (70) square feet in floor area with a ceiling height not less than seven (7) feet six (6) inches

(3) The Board shall obtain copies of the FMRs, issued by HUD and make them available to the public.

(G) Voluntary Vacancies

(1) For the purposes of this Regulation, “voluntary” shall mean the independent choice of the tenant, without intimidation, pressure, or harassment.

(2) Non-Voluntary Vacancy

(a) A vacancy resulting from harassment, threats to withdraw the property from the rental market pursuant to the Government Code Section 7060-7060.7 (Ellis Act), or notices of any kind that negligently or intentionally misrepresent to the tenant that he or she is required to vacate the controlled unit shall not be considered voluntary.

(b) “Harassment” shall be defined as a knowing and willful act or course of conduct directed at a specific tenant or tenants which:

(i) Would cause a reasonable person to fear the loss of use and occupancy

1013. Vacancy Rent Adjustment - Page 7

of a residential unit or part thereof, or of any service, privilege or facility connected with such use and occupancy, including any housing service within the meaning of the Rent Ordinance Section 4(C), without legitimate reason or legal justification;

(ii) Materially interferes with a tenant's peaceful enjoyment of the use and occupancy of a residential rental unit.

(c) A single act may constitute harassment for purposes of determining whether a vacancy was voluntary. A course of conduct is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Acts constituting harassment include, but are not limited to the following:

(i) Eviction on the grounds of owner or relative occupancy pursuant to Rent Ordinance section 13(A)(9) or (10), which is not in good faith.

(ii) The threat or repeated threat to evict a tenant in bad faith, under circumstances evidencing the landlord's purpose to cause the tenant to vacate a controlled rental unit;

(iii) Reduction in housing services under circumstances evidencing the landlord's purpose to cause the tenant to vacate a controlled rental unit;

(iv) Reduction in maintenance or failure to perform necessary repairs or maintenance under circumstances evidencing the landlord's purpose to cause the tenant to vacate a controlled rental unit;

(v) Abuse of the landlord's right of access into a residential unit within the meaning of California Civil Code §1954;

(vi) Verbal or physical abuse or intimidation;

(d) A vacancy occurring as result of the filing of a Notice of Intent to Withdraw under Government Code Section 7060-7060.7 (the Ellis Act) shall not be considered voluntary.

(e) A tenancy and subsequent vacancy created as a sham shall not be considered voluntary. A sham tenancy may be presumed where the occupant did not have a bona fide landlord-tenant relationship with the landlord, or occupied the property for less than four (4) months and principally for the purpose of vacating the property to establish eligibility for vacancy-related increase.

(H) Eviction for Nonpayment of Rent

Eviction for "non-payment of rent" is defined as the action to terminate a tenancy due to the tenant's failure to pay the rent to which the landlord is entitled under the rental housing agreement and existing law pursuant to Rent Ordinance section 13(A)(1) and/or paragraph (2) of Civil Code

Section 1161.

(I) Abandonment

For purposes of this section “abandonment” is defined as the tenant’s independent choice, without intimidation, pressure, or harassment to relinquish all right and possession of the premises, with the intention of not reclaiming or resuming its possession or enjoyment, and the landlord terminates the tenancy pursuant to Civil Code Section 1951.3.

(J) No Rent Increase for Existing Tenants

The maximum lawful rent ceiling for any controlled rental unit that is occupied by an existing tenant shall not be increased under the provisions of this Regulation, while said tenant occupies his or her unit.

(1) For purposes of this Regulation, “existing tenant” refers to all persons who are defined as “tenants” pursuant to Rent Ordinance section 4(I), i.e. any renter, tenant, subtenant, lessee, or sublessee of a rental unit, or successor to a renter’s interest, or any group of tenants, subtenants, lessees, or sublessees of any rental unit, or any other person entitled to the use or occupancy of such rental unit.

(2) No tenant occupying a controlled rental unit, who has the right to occupancy of a controlled rental unit, shall have his or her rent increased pursuant to this Regulation or Civil Code §1954.50, et seq. Pursuant to section 13(A)(2) of the Rent Ordinance, no tenant shall be required to vacate a controlled rental unit as a result of a covenant or condition in a rental agreement requiring the tenant to surrender possession.

(K) Registration after January 1, 1996

Pursuant to sections 6(F)(17), 6(P) and 8 of the Rent Ordinance, any landlord who rents a unit to a new tenant after January 1, 1996, shall re-register the unit with the Board within fifteen (15) days of the re-rental of the unit. This provision does not apply to a sublet where there is no rent increase or to a short-term seasonal rental, as defined in Regulation 1014, if the rent for the short-term seasonal rental is less than the rent for the immediately preceding tenancy.

(1) The re-registration shall be filed upon a form, entitled “Vacancy Registration Form” provided by the Board. The Board shall approve such form by Resolution and the contents of the form may be changed from time to time.

(2) The landlord shall provide all information required by the form.

(3) Failure of the landlord to properly re-register a unit pursuant to this regulation shall result in the property being deemed not to be in compliance with section 8 of the Rent Ordinance

1013. Vacancy Rent Adjustment - Page 9

(L) Amenities

Until January 1, 1999, the base amenities shall remain the same for any unit as those provided on May 31, 1980, or the first rental date thereafter, or as otherwise determined by final Board decision.

(M) Increase and Decrease Petitions

Nothing in this Regulation prohibits tenants or landlords from filing rent decrease or increase petitions pursuant the Board's regulations.

(N) Fraud or Intentional Misrepresentation

Any increase in the maximum allowable rent authorized pursuant to this regulation that is obtained by fraud or misrepresentation by the landlord or his or her agent, servant, or employee shall be void.

(O) Subletting

(1) An owner may increase the rent by any amount allowed by Civil Code section 1954.50 et seq., and subsection (B) of this Regulation, to a sublessee or assignee where the original occupant or occupants who took possession pursuant to the rental agreement with the owner, no longer permanently reside there. The term "original occupant" as used herein is defined in Regulation 409. Within fifteen (15) days of any rent increase pursuant to this Subsection (O)(1), a Vacancy Registration form described in Subsection (K) shall be filed with the Board.

(2) Where one or more of the occupants of the premises pursuant to the agreement with the owner provided for above, remains an occupant in lawful possession of the dwelling or unit, this subdivision shall not apply to partial changes in occupancy of a dwelling or unit made with the consent of the owner. Nothing contained in this subsection shall establish or create any obligation of an owner to permit or consent to a sublease or assignment.

(3) Acceptance of rent by the landlord shall not operate as a waiver or otherwise prevent enforcement of a covenant prohibiting sublease or assignment, or as a waiver of an owner's rights to establish the initial rental rate, unless the landlord has received written notice from the tenant that is a party to the agreement and thereafter accepted rent. The landlord's right to establish the initial rent shall not be waived if, after receiving written notice that the last original occupant has vacated the premises, the landlord agrees in writing with any tenants still occupying the unit that the landlord's right to establish the initial rental rate, consistent with Civil Code section 827, shall be extended for up to six months following receipt of the notice.

1013. Vacancy Rent Adjustment – Page 10

(4) A landlord may not unilaterally impose or require an existing tenant to agree to new material terms of tenancy or a new rental agreement, unless the provisions are substantially identical to the prior rental agreement.

(5) Where the landlord initially rents a rental unit to a tenant and authorizes more than one tenant to occupy the unit, but fails to place the name of more than one tenant on the lease, all tenants who occupy the unit within one month, with permission of the landlord, express or implied, shall be considered to be original occupants.

[Effective January 1, 1996; amended May 27, 1997, August 22, 1997 and March 20, 1998; addition of (O)(5) effective October 23, 1998; addition of (G)2(f) effective December 27, 1998; addition of (1)(a)(ii) and deletion of (G)2(f) effective March 5, 1999; (B) and (O) amended August 20, 1999; (B)(1)(a)(ii), (B)(1)(b) through (f) amended February 11, 2000; addition of (C)(d) amended January 7, 2002; amended March 18, 2002 changed (B)(1)(g) and inserted a new (B)(1)(f); amended February 20, 2003 added last two sentences to (A)(2); removed definition of “original occupant” from Section (O)(1) and placed it in Regulation 409 – 9/19/19; amended April 15, 2021 added 1013(A)(3)]

**RESOLUTION 24-12**

**APPROVING ADJUSTMENT TO COMPENSATION PACKAGE FOR RENT STABILIZATION BOARD EXECUTIVE DIRECTOR DESEANA WILLIAMS**

**BE IT RESOLVED** by the Rent Stabilization Board of the City of Berkeley (“Board”) as follows:

**WHEREAS**, the Board is authorized under Section 123(2) of Article XVII of the Charter of the City of Berkeley to employ staff as necessary to perform its functions; and

**WHEREAS**, the Executive Director shall serve as the chief administrator for the Board and is charged with the responsibility of protecting the interests of the Board and its employees as provided for under California law and Article XVII of the Charter of the City of Berkeley; and

**WHEREAS**, on October 21, 2021, the Board adopted Resolution 21-26 to sign a contract with DeSeana Williams to serve as the Board’s Executive Director; and

**WHEREAS**, the Board has recently completed the Executive Director's annual review, which was due to be finalized in November 2023; and

**WHEREAS**, the Board has expressed complete satisfaction with all of the requirements and expectations set forth in the review; and

**WHEREAS**, as per the terms of the Executive Director's contract, the Board has determined it to be appropriate to grant a five percent increase retroactive to the first pay period following November 16, 2023 (the date the evaluation process was originally scheduled to be completed); and

**WHEREAS**, based on the foregoing, the Board would like to adjust Ms. Williams’ base salary according to the terms articulated in Section 5 (Annual Performance Evaluation) of her contract.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Berkeley Rent Stabilization

**RESOLUTION 24-12**

**APPROVING ADJUSTMENT TO COMPENSATION PACKAGE FOR RENT STABILIZATION BOARD EXECUTIVE DIRECTOR DESEANA WILLIAMS (Page 2)**

Board hereby authorizes the Board Chair to execute appropriate salary adjustments to the existing employment agreement of DeSeana Williams that will increase her base salary from \$123.972 per hour to \$130.171 per hour (annual base salary adjusted from \$257,861.76 to \$270,755.68) which represents a 5% increase; and

**BE IT FURTHER RESOLVED** that the Board is authorized to adjust Ms. Williams' base salary in line with the terms articulated in Section 5 (Annual Performance Evaluation) of the Employment Agreement between Board and Ms. Williams; and

**BE IT FURTHER RESOLVED** that the salary adjustment to Ms. Williams' contract will be retroactive to the first pay cycle following November 16, 2023, and at all times thereafter until such time as the Board takes further action; and

**BE IT FURTHER RESOLVED** that all other terms of Ms. Williams' contract will remain the same.

Dated: May 16, 2024

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

YES:

NO:

ABSTAIN:

ABSENT:

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Leah Simon-Weisberg, Chair  
Rent Stabilization Board

Attest: \_\_\_\_\_  
Matt Brown, General Counsel

**Commissioner Attendance at Rent Stabilization Board Meetings  
Through Q1 of 2024**

2024	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Leah SIMON-WEISBERG	Dominique WALKER
January 18	Present	Present	Present	Present	Present	Present	Present	Present	Present
February 15	Present	Present	Present	Present	Absent*	Present	Present	Present	Present
March 21	Present	Present	Present	Present	Present	Present	Present	Present	Present
April 18									
May 16									
June 20									
July 18									
August 15									
September 19									
October 17									
November 21									
December 19									

\* = Absent *with* compensation

\*\* = Absent due to a medical reason

***Bold and italicized*** = Special Meeting

Commissioner Attendance  
Rent Stabilization Board COMMITTEE Meetings:  
January - March (Q1)

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Leah SIMON-WEISBERG	Dominique WALKER
<b>Budget &amp; Personnel</b>									
Thursday, January 11, 2024	Present						Present	Present	Present
Thursday, February 8, 2024	Present						Present	Present	Present
Friday, February 23, 2024	Present						Present	Present	Present
Thursday, March 7, 2024	Present						Present	Present	Present
<b>Eviction / Section 8 / Foreclosure</b>									
Tuesday, January 9, 2024		Present	Present			Present	Absent		
Tuesday, February 13, 2024		Present	Present			Present	Present		
<b>LIRA</b>									
<i>This Committee did not meet this quarter.</i>									
<b>Outreach</b>									
Monday, January 8, 2024	Present	Present		Present	Absent*				
<b>4 x 4 Joint Committee on Housing (City Council/Rent Board)</b>									
<i>This Committee did not meet this quarter.</i>									
<b>2 x 2 Joint Committee on Housing (BUSD/Rent Board)</b>									
Monday, March 11, 2024					Present			Absent	
<b>Environmental Sustainability Committee</b>									
Wednesday, January 10, 2024		Present	Present			Present			

Commissioner Attendance  
 Rent Stabilization Board COMMITTEE Meetings:  
 January - March (Q1)

COMMITTEES	Soli ALPERT	Stefan ELGSTRAND	Xavier JOHNSON	Andy KELLEY	Vanessa Danielle MARRERO	Ida MARTINAC	Nathan MIZELL	Leah SIMON-WEISBERG	Dominique WALKER
<b><i>Ad Hoc Committee to Consider Rent Ordinance Amendments</i></b>									
<b><i>This Committee did not meet this quarter.</i></b>									

^ = Meeting cancelled due to lack of a quorum

\* = Absent with compensation



= Not a member of this Committee at this time



Rent Stabilization Board

**RENT STABILIZATION BOARD**  
**OUTREACH COMMITTEE MEETING**

**Monday, May 13, 2024 – 6:00 p.m.**

**Rent Stabilization Board Committee Room – 2000 Center Street, Suite 400, 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/86734325020?pwd=wF66YuF4N42p2n4n4mfUsGyTfpTOut.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: 867 3432 5020 and Passcode: 109812. 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 [ndahl@berkeleyca.gov](mailto:ndahl@berkeleyca.gov) 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, May 13, 2024 – 6:00 p.m.**

**Rent Stabilization Board Committee Room – 2000 Center Street, Suite 400, 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. Election of new Outreach Committee Chair (5 min.)
4. Approval of the Agenda (2 min.)
5. Approval of the Minutes of the January 8, 2024 Meeting (3 min.)
6. Public Comment (5 min.)
7. Registration Outreach, Preview of Registration Videos (Amanda Eberhart) (10 min.)
8. Schedule of 2024 Rent Board Outreach Events and Engagements (15 min.)
9. Recap of UC Berkeley Outreach – Tenants' Rights Week April 10, 16 and 18. (5 min.)
10. Discussion of Language Access Policy and Style Guide – possible referral to full Board. (15 min.)
11. Next Meeting Date June 8, 2024 – Berkeley Rent Board Committee Room (5 min.)



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12. Future Agenda Items (5 min.)
  - Next Steps with Tenant Survey
  - Proactive Outreach and Collaboration with BHA, BMR and S+C Programs, Etc.
  - Peralta Community Outreach
13. Announcements (3 min.)
14. Adjournment (2 min.)

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