



RENT STABILIZATION BOARD

Regular Meeting

Thursday, October 17, 2024 – 7:00 p.m.

School District Board Room – 1231 Addison Street, Berkeley, CA

Teleconference location(s): 1418A 67th Street, Berkeley, CA

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/86351823870?pwd=StV8iv1VnftDeahcLsszUQPN5RdeeE.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 1-669-444-9171 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.

To submit a written communication for the Board's consideration and inclusion in the public record, please email amueller@berkeleyca.gov with the Subject line in this format: "RENT BOARD MEETING PUBLIC COMMENT ITEM." Please observe a 150-word limit. **Email comments must be submitted to the email address above by 4:00 p.m. on the day of the meeting in order to be included.**

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COMMUNICATION ACCESS INFORMATION:

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Thursday, October 17, 2024

7:00 p.m.

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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 September 19th 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

1919 Curtis
2923 MLK Jr
1335 Oxford St

1711 Stuart St
1055 Sterling Ave
2802 San Pablo Ave
1919 Parker St
15 Tamalpais Rd
505 Cragmont Ave
847 Dwight Crescent
924 Hilldale Ave
1050 Creston Rd
1818 Franklin St
1242 Evelyn Ave
2430 8th Street
2600 Etna St #3
2525 College Ave #1
1227 Delaware St
1919 Curtis
2923 MLK Jr Way
1335 Oxford St
1711 Stuart St
1055 Sterling Ave

Discretionary Waivers

<u>Waiver No.</u>	<u>Property Address</u>
5125	1813 Derby St
5126	1406 Henry St
5127	2070 University Ave

6. **Special Presentation:** *Registration 365 – 15 min.**
Presenter: Amanda Eberhart, Registration Unit Manager

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

Case No. T-6064 (1724 La Vereda Rd.)

Landlord Appellant filed an appeal of a hearing decision granting in part and denying in part Tenant Respondents’ Petition for Individual Rent Adjustment (“petition”), claiming an improper security deposit withholding and seeking a rent reduction due to an inoperable heater at the rental unit located at 1724 La Vereda Rd., Berkeley, CA (“premises”).

Landlord Appellant’s appeal statement fails to contain a statement of the specific grounds on which the appeal is based. Rather, Landlord Appellant merely restates previously presented testimony regarding the: (1) alleged necessity of re-painting two floors at the premises, (2) sump pump damage, and (3) unsupported claims that Tenant Respondents’

cats were responsible for the inoperable heater. Landlord Appellant fails to provide any legal or factual basis to overturn the Hearing Examiner's decision regarding the above issues. The decision of the hearing examiner should be upheld, barring any compelling reasons to the contrary.

8. ACTION ITEMS

from Board Members, Committees, Executive Director or Staff

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

- a. Chair Update (Chair Simon-Weisberg)
 - (1) Demolition Ordinance and Demolition projects status report (Senior Planner Lief Bursell) – 10 min.*
 - (2) Update regarding tenants' rights when landlord secures permit for non-code compliance work – *Verbal* – 5 min.*
- b. Recommendation to adopt Resolution 24-18 confirming the Annual General Adjustment (AGA) of 2.1 percent and ordering that the 2025 AGA be published as Regulation 1147 (General Counsel) – 5 min.*
- c. Recommendation to adopt Resolution 24-19 confirming that relocation assistance payments for Owner Move-in and Ellis Act evictions shall increase by 3.2 percent effective January 1, 2025 (General Counsel) – 5 min.*
- d. Recommendation to adopt Resolution 24-20 approving adjustment to compensation package for Executive Director DéSeana Williams (Chair Simon-Weisberg and Budget & Personnel Committee Chair Walker) – 5 min.*
- e. Recommendation to adopt Resolution 24-21 approving adjustment to compensation package for General Counsel Matt Brown (Chair Simon-Weisberg and Budget & Personnel Committee Chair Walker) – 5 min.*
- f. Recommendation to change the name of the Environmental Sustainability Committee to the Climate Resilience Committee (Chair Simon-Weisberg) – *Verbal* – 3 min.*

9. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA

from Board Members, Committees, Executive Director or Staff

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

- a. January 23, 2024 *California Housing Partnership* article by Mark Stivers, Director of Advocacy, titled, "Affordable Housing Compares Favorably to

Market-Rate Housing From a Cost Perspective” (Commissioner Kelley) – 1 min.*
<https://chpc.net/affordable-housing-compares-favorably-to-market-rate-housing-from-a-cost-perspective/>

- b. Deadline to submit agenda items/topics for the November regular Rent Board meeting: **Friday, November 8th by 5:00 p.m.** (Board Secretary)

10. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – 5 min.*
Next regularly-scheduled meeting: Tuesday, October 22nd at 3:30 p.m.

October 3rd agenda

- b. Environmental Sustainability Committee (Commissioner Martinac, Chair) – 5 min.*
Next regularly-scheduled meeting date: Wednesday, November 13th at 6:00 p.m.

October 7th agenda

- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elstrand, Chair) – 5 min.*
Next regularly-scheduled meeting: Tuesday, November 12th at 5:30 p.m.

- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – 5 min.*
Next regularly-scheduled meeting: Thursday, November 7th at 6:00 p.m.

October 10th agenda

- e. Outreach Committee (Vice-Chair Alpert, Chair) – 5 min.*
Next regularly-scheduled meeting: Wednesday, October 16th at 6:00 p.m.

October 16th agenda

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

October 7th agenda packet

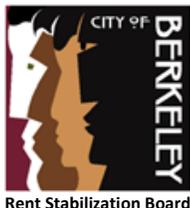
- g. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District (Commissioner Marrero, Co-Chair) – 5 min.*
Next meeting date: TBA

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

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*

Prior to Roll Call, General Counsel Brown announced that Commissioner Marrero had requested to participate under the Emergency Circumstances provision of the Brown Act due to a hospitalization. The Emergency Circumstances provision requires an authorizing vote.

M/S/C (Simon-Weisberg/Alpert) AUTHORIZE UNANTICIPATED REMOTE PARTICIPATION FOR COMMISSIONER MARRERO UNDER CALIFORNIA GOVERNMENT CODE SECTION 54953(f)(2)(A)(ii). Roll call vote. YES: Alpert, Elgstrand, Johnson, Kelley, Martinac, Mizell, Walker, Simon-Weisberg; NO: None; ABSTAIN: None; ABSENT: None. Carried: 8-0-0-0.*

*As the commissioner seeking approval for unanticipated remote participation, Commissioner Marrero did not participate in the vote.

1. Roll call – Chair Simon-Weisberg called the meeting to order at 7:03 p.m.

Aimee Mueller called roll.

Commissioners present: Alpert, Elgstrand, Johnson, Kelley (via Zoom), Marrero (via Zoom), Martinac, Mizell, Walker, Simon-Weisberg

Commissioner absent: None

Staff present: Brown, Bursell, Eberhart, Kim, Mueller, Williams

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

The Land Acknowledgement Statement was played aloud.

3. Approval of Agenda

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

4. **Public Comment** – Clell Hagler spoke about the need for rental assistance in Berkeley. Lihua Wang spoke about her waiver request.

5. **CONSENT ITEMS**

- a. Approval of the July 18th 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

168 Forest Ln
609 San Miguel Ave
627 Arlington Ave
1352 Hearst Ave
1635 MLK JR Way
2818 Telegraph Ave
3101 Mabel St.
3138 Ellis St.
2532 College Ave
1520 Bancroft Way
1214 Talbot Ave
1522 Fairview St. #A
1900 Harmon St
1253 Burnett St
2228 Dwight Way
2036 6th St
1940 Haste St
1323 Henry St
739 Channing Way
1620 Woolsey St
1625 Stannage Ave
1041 Cragmont Ave
2113 Delaware St #B

M/S/C (Johnson/Elgstrand) APPROVE ALL CONSENT ITEMS AS WRITTEN. 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.

6. **Special Presentation:** *Towards a Union at Home: Renting-Class Power in a Financialized Economy*
Presenter: Brad Hirn, Practitioner-In-Residence, UC Berkeley Labor Center

Brad Hirn presented and took questions from the Board.

7. **Special Presentation:** *Eviction Defense Center (EDC) and East Bay Community Law Center (EBCLC) program year update: Berkeley eviction trends and data post-Eviction Moratorium*
Presenters: Anne T. Omura, EDC Executive Director; and Meghan Gordon, EBCLC Co-Director of Housing & Clinical Supervising Attorney

Anne T. Omura and Meghan Gordon presented and took questions from the Board.

8. **APPEAL – Case No. T-6055 (2150 Oxford Street, Unit 51)**
Appearances:
Tyler Field and Duy Nguyen, Appellants
Pamela Kashani, Respondent
Mario Garcia, on behalf of the Respondent

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

9. **APPEAL – Case No. T-5986 and T-5987 (1619 Walnut Street, Units A & B)**
Appearances:
Scott Wheeler, Appellant
Noemi Ruelas, Respondent
Kimberly Roehn, on behalf of Respondent

M/S/C (Mizell/Johnson) AFFIRM THE HEARING EXAMINER’S DECISION. 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.

10. **ACTION ITEMS**

from Board Members, Committees, Executive Director or Staff

Public comment will also be heard prior to the Board’s vote on each action item listed below – No speakers.

- a. Chair Update (Chair Simon-Weisberg)

- (1) Demolition Ordinance and Demolition projects status report (Senior Planner Lief Bursell) – Lief Bursell presented and took questions from the Board. The Chair requested that applicant/developer names be included in future

reports. No formal action was taken.

- (2) Eviction Moratorium lawsuit dismissed – The Board discussed the article. No formal action was taken.

<https://oaklandside.org/2024/09/05/eviction-moratorium-lawsuit-dismissed-oakland-alameda-county/>

- b. Request to Extend Administrative Correction Period on a Case-by-Case Basis until October 30, 2024 (Executive Director/Registration Unit Manager)

M/S/C (Alpert/Johnson) EXTEND THE RENT BOARD’S ADMINISTRATIVE CORRECTION PERIOD ON A CASE-BY-CASE BASIS UNTIL OCTOBER 30, 2024. 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.

11. 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. Updated Regulation 1266 [Self Labor] with current Consumer Price Index (CPI) information (General Counsel)
- b. Average Rents for New Tenancies: January 1, 2023 through December 31, 2023 (Senior Planner Lief Bursell)
- c. September 9, 2024 *San Francisco Chronicle* article by Christian Leonard titled, “Feds say this company helps landlords keep rents high. Has it impacted the Bay Area?” (Chair Simon-Weisberg)
<https://www.sfchronicle.com/bayarea/article/realpage-rent-algorithm-19728353.php>
- d. Deadline to submit agenda items/topics for the October regular Rent Board meeting: **Friday, October 4th by 5:00 p.m.** (Board Secretary)

12. COMMITTEE/BOARD MEETING UPDATES AND ANNOUNCEMENTS

- a. Budget & Personnel Committee (Commissioner Walker, Chair) – Committee Chair Walker announced that the next meeting will be October 3rd at 5:30 p.m.
- b. Environmental Sustainability Committee (Commissioner Martinac, Chair) – Committee Chair Martinac reported that the Committee now has data on buildings where landlords are paying for energy services. The Committee has not yet finalized their next meeting date.

September 12th agenda

- c. Eviction/Section 8/Foreclosure Committee (Commissioner Elgstrand, Chair) – Committee Chair Elgstrand reported that the Committee received several information reports at its last meeting. The Committee will meet on November 12th.

Next regularly-scheduled meeting: Wednesday, September 18th at 6:00 p.m.

September 18th agenda

- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Commissioner Kelley, Chair) – Committee Chair Kelley reported that the Committee is sending to the Board an item regarding reserved public comment time at Rent Board meetings for labor union representatives.

Next regularly-scheduled meeting: Thursday, October 10th at 5:30 p.m.

September 5th agenda

- e. Outreach Committee (Vice-Chair Alpert, Chair) – Committee Chair Alpert reported that the Committee is continuing its explorations around a language policy and style guidelines.

Next regularly-scheduled meeting: TBA

August 12th agenda

September 9th agenda

- f. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – The Committee is working on scheduling a meeting.
(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) – Committee Chair Marrero reported that the Committee had scheduled a meeting but it had to be cancelled. The Committee is working on rescheduling it.

Next meeting date: TBA

- h. Updates and Announcements

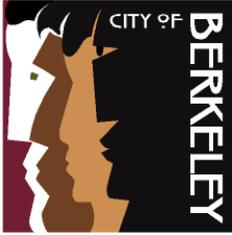
- i. Discussion of items for possible placement on future agenda – Commissioner Kelley sent an article to be placed on the next agenda. General Counsel Brown mentioned that the 2025 Annual General Adjustment will be on the October meeting agenda.

13. ADJOURNMENT

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

The meeting adjourned at 10:22 p.m.

Public



Rent Stabilization Board

RENT STABILIZATION BOARD

DATE: October 17, 2024

TO: Honorable Members of the Rent Stabilization Board

FROM: DeSeana Williams, Executive Director

BY: Basil Lecky, Community Service Specialist II

SUBJECT: Request for waiver of late registration penalties

Recommendation:

That the Board approve the attached recommendations.

Background and Need for Rent Stabilization Board Action:

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

Ministerial Waivers

In accordance with Regulation 884, the Executive Director reviews waiver requests that do not meet the criteria enumerated in Regulation 883. The following waiver request will be decided ministerially, unless the Board has reason to believe the underlying basis of the recommended assessment is inappropriate.

2000 Center Street, Suite 400, Berkeley, California 94704

TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4940

E-MAIL: rent@cityofberkeley.info • INTERNET: www.cityofberkeley.info/rent

Waiver Recommendations

October 17, 2024

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Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
	1919 Curtis	Curtis Street Llc	5,220.00	5,220.00	0.00
	2923 MLK Jr	Calvin Wong	2,420.00	2420.00	0.00
	1335 Oxford St	Daniel Watson & Gaby Raymond	344.00	275.20	68.80
	1711 Stuart St	Mary Banas	1,832.00	1,832.00	0.00
	1055 Sterling Ave	Miklane Janner	178.00	178.00	0.00
	2802 San Pablo Ave	Rafael & Margarita Vega	356.00	356.00	0.00
	1919 Parker St	Ming-chia Tsai	1,200.00	1,200.00	0.00
	15 Tamalpais Rd	Douglas F Hurlbut	568.00	454.40	113.60
	505 Cragmont Ave	Stephanie Thomas	178.00	178.00	0.00
	847 Dwight Crescent	Marlen Kirby	568.00	568.00	0.00
	924 Hilldale Ave	Breeze Braunschweig	1,848.00	1,478.40	369.60
	1050 Creston Rd	Thomas Parenty	750.00	600.00	150.00
	1818 Franklin St	Eric Ytabe	356.00	356.00	0.00
	1242 Evelyn Ave	Daniel Fuller	356.00	356.00	0.00
	2430 8TH St	David Davis	2,320.00	2,320.00	0.00

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Waiver Recommendations

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	2600 Etna St #3	Christine Schoefer	356.00	356.00	0.00
	2525 College Ave #1	Eugene Kroll	746.00	596.80	149.20
	1227 Delaware St	Derchang Chao & Ting Chao	178.00	178.00	0.00
	1919 Curtis	Curtis Street Llc	5,220.00	5,220.00	0.00
	2923 MLK Jr	Calvin Wong	2,420.00	2,420.00	0.00
	1335 Oxford St	Daniel Watson & Gaby Raymond	344.00	275.20	68.80
	1711 Stuart St	Mary Banas	1,832.00	1,832.00	0.00
	1055 Sterling Ave	Miklane Janner	178.00	178.00	0.00
TOTAL			\$19,774.00	\$18,922.80	\$851.20

Financial Impact: Ministerial Waivers

Approval of Acting Executive Director's recommendations will decrease the Board's current accounts receivable by **\$18,922.80**.

Discretionary Waivers

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

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Waiver Recommendations

October 17, 2024

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Waiver	Property Address	Owner	Penalty Assessed	Penalty Waived	Penalty Imposed
5125	1813 Derby St	Ilan Fussman	\$2,326.00	\$2,326.00	\$0.00
5126	1406 Henry St	Jhansi & Rajendar Reddy	\$6,960.00	\$0.00	\$6,960.00
5127	2070 University Ave	Raj Properties	\$8,022.00	\$0.00	\$8,022.00
TOTAL			\$17,308.00	\$2,326.00	\$14,982.00

Financial Impact: Discretionary Waivers

Approval of Acting Executive Director's recommendations will decrease the Board's current accounts receivable by **\$2,326.00**.

Name and Telephone Number of Contact Person:

DeSeana Williams, Executive Director
 Rent Stabilization Board
 2000 Center Street, Suite 400, Berkeley, CA 94704
 (510) 981-7368

2000 Center Street, Suite 400, Berkeley, California 94704

TEL: (510) 981-7368 (981-RENT) • TDD: (510) 981-6903 • FAX: (510) 981-4940

E-MAIL: rent@cityofberkeley.info • INTERNET: www.cityofberkeley.info/rent

October Waivers

Ministerial

Address	Details
1919 Curtis	This property consists of 10 units with 9 rented and 1 exempt. The owner has owned this property since April 2021. The property manager stated that their property was removed from their rent registry account, causing significant delays and fees. They request a penalty waiver due to the city's errors, which included slow responses, conflicting information, and unnecessary paperwork. Despite evidence of previous payments and repeated attempts to contact city officials, the issue was not resolved until after four months. They believe the city should waive the penalties given these circumstances. There is no history of late payment. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
2923 MLK Jr	This property consists of two rented units. The owner has owned this property since August 2022. The owner stated they did not rent out the units and plans to pay registration fees on time moving forward. The owner does not have a history of late payment. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
1335 Oxford St	This property consists of 3 units with 1 rented and 2 exempt. The owner has owned this property since June 2012. The owner stated that the co-owner who usually pays the registration fee had been a victim of financial abuse by their caregiver. This resulted to them changing their checking and credit accounts, including the account that was used to pay the registration fee. Additionally, they tried to pay the registration fee online and over the phone but was unsuccessful. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
1711 Stuart St	This property consists of 2 rented units. The owner has owned this property since November 2021. The property owner received a bill indicating their property had three units, even though it only has two. Upon contacting the Rent Board, they were directed to the online portal where they discovered an outstanding balance of fees and penalties. The owner immediately paid the full balance and is now requesting a waiver of the penalties. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
1055 Sterling Ave	This property consists of 2 Measure MM units with 1 rented and the other exempt. The owner has owned this property since September 1993. The owner stated they sent the registration fee payment before the deadline but the check was returned. They have no recollection on why their payment was returned. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.

Public

2802 San Pablo Ave	This property is a single-family home covered by Measure MM. The owner has owned this property since December 1984. The owner's daughter stated they have been managing the property and they may have overlooked the registration fees. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
1919 Parker St	This property consists of 3 rented units. The owner has owned the property since July 2021. The owner stated they did not receive the bill for the Rent Board unit April 2024. Due to the owner traveling, they were delayed with completing registration. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
15 Tamalpais Rd	This property is a rented single-family home covered by Measure MM. The owner has owned this property since September 1994. The owner stated the registration bill was paid late due to communication issues with their co-owner, who was responsible for managing the property. This is the second late payment within the last five years. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
505 Cragmont Ave	This property is a rented single-family home covered by Measure MM. The owner has owned this property since October 1999. The owner stated that they received a notice about late registration fees and penalties in October 2023. They had not received any prior notification that the registration fees were due. Although they paid the 2023/24 registration fee in October, they did not pay the penalties. They are now requesting a waiver for those penalties. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
847 Dwight Crescent	This property is a single-family home covered by Measure MM. The owner reported that late payment of the registration fee was due, in part, to issues with the delivery of invoices. They discovered that the invoices were being sent to an incorrect address and have subsequently updated the mailing address with the Rent Board. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
924 Hilldale Ave	This property consists of 2 rented units. The owner has owned this property since July 2013. The owner stated the late payment of the registration fees was an oversight as the mailing address changed due to the closing of the UPS location. This is where all of their important mail was shipped. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
1050 Creston Rd	This property consists of a rented single-family home covered by Measure MM. The owner has owned this property since December 2011. The owner stated that when they moved out of the country, they relied on tenants to email them pictures of important mail. When the new tenants emailed the pictures of their mail, they noticed the registration fee was overdue. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
1818 Franklin St	This property is a rented single-family home covered by Measure MM. The owner has owned this property since 2019. The owner stated that the invoice for the registration fee was mailed to the property address. The tenant did not know the mail was for the owner when they received it. The registration fee was overdue by the time the owner received it. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.

Public

1242 Evelyn Ave	This property was a rented and now exempt single-family home covered by Measure MM. The owner has owned this property since 1999. The owner stated they did not receive the 2023/2024 bill for the registration fee. They became aware of the fees and penalties when they received the 2024/2025 bill. The owner does not have a history of late payment. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
2430 8TH St	This property consists of four rented units. The owner has owned this property since 2020. The owner claims that the Rent Board deleted their contact and billing information for the property, resulting in no billing for the year. When they contacted the Rent Board, they were informed that the invoice was sent to the property but not under their name. Due to this, the owner mistakenly discarded it without opening it. The account information has since been updated. The owner does not have a history of late payment. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
2600 Etna St #3	This property is a rented condo covered by Measure MM. The owner has owned the property since 2007. The owner stated that they occasionally rent out the property and have had limited interaction with the Rent Board. Additionally, when they moved out of the country, their mail was not properly handled. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.
2525 College Ave #1	This property is a rented condo covered by Measure MM. The owner has owned this property since 2002. The owner stated they tried to register the unit and make a payment online but was unsuccessful. The owner claims they did not receive their PIN. This is the second late payment on the account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
1227 Delaware St	This property is a rented single-family home covered by Measure MM. The owner has owned this property since 2020. The owner stated they were unaware of the rent registration request until May when their tenant forwarded the invoice for registration fees. They have been trying to register online but have been unsuccessful. The owner does not have a history of late payments. Staff recommends waiving 100% of the penalties because this is the first late payment within the prior five years per regulation 884 C.

Discretionary

Address	Details
1406 Henry St	Owner did not give an explanation for the late payment. Staff recommends the waiver be denied.
1813 Derby St	The owner stated the late payment of the registration fees was due to miscommunication and personal challenges, including health issues and financial difficulties. They have finally resolved the registration issue and paid all necessary fees. They are asking for the penalties to be waived due to these circumstances. Staff recommends waiving 100% of the penalties

2070 University Ave	Owner did not give an explanation for the late payment. Staff recommends the waiver be denied.
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**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5125	Property address: 1813 DERBY ST BERKELEY	Transferred: 03/30/2017
Exempt units (as of February 2021): None		
Owner(s): ILAN FUSSMAN	Waiver filed by: PROPERTY OWNER	# of Units: 2
Other Berkeley rental property owned: None		

Late payment/penalty history: Late payment of 2023/2024 and 2024/2025 registration fees

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
FY2024-25	ALL	\$688.00	07/02/2024	\$688.00	\$0.00	\$0.00
FY2023-24	ALL	\$722.00	09/20/2024	\$1,638.00	\$0.00	\$0.00
Totals (penalties previously assessed)				\$2,326.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: LATE PAYMENT OF REGISTRATION FEES

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2024-25	2	\$688.00	07/02/2024	\$688.00	\$0.00	\$0.00
FY2023-24	2	\$722.00	09/20/2024	\$1,638.00	\$0.00	\$0.00
Totals				\$2,326.00	\$0.00	\$0.00

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

Good cause claimed by owner: Illness in family

Recommendation: Staff recommends waiving 100% of the penalties

Staff Analysis: The owner stated the late payment of the registration fees was due to miscommunication and personal challenges, including health issues and financial difficulties. They have finally resolved the registration issue and paid all necessary fees. They are asking for the penalties to be waived due to these circumstances.

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5126	Property address: 1406 HENRY ST BERKELEY	Transferred: 11/02/2015
Exempt units (as of February 2021): None		
Owner(s): JHANSI & RAJENDAR REDDY	Waiver filed by: PROPERTY OWNER	# of Units: 24
Other Berkeley rental property owned: None		

Late payment/penalty history: This property has 2 late payments in the last 5 years

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
FY2023-24	ALL	\$6,960.00	07/17/2023	\$6,960.00	\$0.00	\$6,960.00
FY2021-22	ALL	\$6,000.00	07/26/2021	\$6,000.00	\$6,000.00	\$0.00
Totals (penalties previously assessed)				\$12,960.00	\$6,000.00	\$6,960.00

Penalties Currently Under Consideration

Reason for Penalties: LATE PAYMENT OF REGISTRATION FEES

Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2023-24	24	\$6,960.00	03/18/2024	\$6,960.00	\$0.00	\$0.00
Totals				\$6,960.00	\$0.00	\$0.00

Grounds under Regulation 884(B): (6) The landlord requesting the waiver owns or manages 11 or more rental units

Good cause claimed by owner: OWNS/MANAGES 11 OR MORE UNITS

Recommendation: STAFF RECOMMENDS THE WAIVER BE DENIED

Staff Analysis: OWNER DID NOT GIVE EXPLANATION FOR LATE PAYMENT

**City Of Berkeley
Rent Stabilization Board**

Recommendation on Requested Waiver of Registration Penalties

Waiver No: W5127	Property address: 2070 UNIVERSITY AVE	Transferred: 07/16/1996
Exempt units (as of February 2021): None		
Owner(s): RAJ PROPERTIES	Waiver filed by: PROPERTY OWNER	# of Units: 28
Other Berkeley rental property owned: None		

Late payment/penalty history: THIS PROPERTY HAS 2 LATE PAYMENTS IN THE LAST 5 YEARS

Registration Date or Year	Units requiring registration at that time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Paid
FY2023-24	ALL	\$7,250.00	07/17/2023	\$7,250.00	\$0.00	\$0.00
FY2021-22	ALL	\$6,000.00	07/26/2023	\$6,000.00	\$0.00	\$0.00
Totals (penalties previously assessed)				\$13,250.00	\$0.00	\$0.00

Penalties Currently Under Consideration

Reason for Penalties: LATE PAYMENT OF REGISTRATION FEES

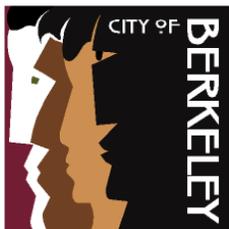
Registration Date or Year	Unit(s) registered late at this time	Registration fees paid	Date fees paid	Penalties charged	Penalties forgiven	Penalties Due
FY2023-24	28	\$8,022.00	03/18/2024	\$8,686.00	\$0.00	\$7,250.00
Totals				\$8,686.00	\$0.00	\$7,250.00

Grounds under Regulation 884(B): (6) The landlord requesting the waiver owns or manages 11 or more rental units

Good cause claimed by owner: OWNS/MANAGES 11 OR MORE UNITS

Recommendation: STAFF RECOMMENDS THE WAIVER BE DENIED

Staff Analysis: THE OWNER DID NOT GIVE AN EXPLANATION FOR THE LATE PAYMENT.



Rent Stabilization Board

DATE: October 17, 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

Beginning in calendar year 2022, there have been fifteen development applications that propose the demolition of existing multi-family residential buildings that include dwelling units that are either subject to rent control, or potentially subject to rent control when rented. These applications propose the removal of one hundred and eight (108) residential units, sixty-five of which were occupied by tenants at the time Rent Board staff reviewed the application. This update includes a new Use Permit to demolish two dwelling units at 3035 Colby Avenue. The 3035 Colby Avenue project is the first Use Permit application submitted that is subject to the revised Demolition Ordinance, which requires that rent-controlled units be replaced with below market rate (BMR) replacement units. The 3035 Colby Street project currently includes just two replacement units, and the application does not currently specify the affordability level of these replacement units.

Additionally, the project at 2300-2310 Ellsworth (also 2128 Oxford) was approved by the Zoning Adjustments Board (ZAB) on September 29, 2024. The Rent Board initially expressed opposition to the project because it only proposed replacing twelve existing rent-controlled units with 10 BMR units. Prior to the ZAB meeting, staff and the Rent Board Chair were able to come to an agreement with the project applicants to add two additional very low-income units, which addressed the Rent Board's concerns regarding how the project mitigated the loss of rent-controlled units. Rent Board staff are working with the applicant and staff in the Berkeley's Health, Housing and Community Services (HHCS) Department to ensure these units are added in smaller units that are more appropriate to replace the twelve one-bedroom units in the current building.

Project Status (As of 9/12/24)	# Projects	# Existing Units	Tenant Occupied	# BMR Units	Net Gain/Loss
ZAB Approved	8	68	33	85	+17
App. Complete	2	6	2	4	-2
Under Review	2	6	4	19	+13
Pre-Application	3	28	26	32	+4
Total	15	108	65	140	+32

Overall, if all existing projects were approved and moved forward to construction, they would result in a net gain of thirty-two BMR units (beyond the one-for-one replacement of a BMR unit

for each existing residential unit). Of the fifteen proposed development applications, nine are currently providing at least one-to-one replacement of rent-controlled units with BMR units.

Attachments:

- 1) Residential Demolition Application Update Presentation Slides (Updated for 10-17-2024)
- 2) 10-17-2024 Residential Demolition Application Update

Name and Telephone Number of Contact Person:

Lief Bursell, Senior Planner (510) 981-7368



Residential Dwelling Demolition Application Update

Projects involving demolition of Rent-Controlled Dwellings

October 17, 2024



Demo Project Updates Oct. 17, 2024

2300-2310 Ellsworth St. (12 Units)

- Approved by ZAB on 9/26/24
- 10 BMR Replacement Units – 2 market rate
- Rent Board initially opposed project
- Applicants met with staff and Board Chair
- Agreed to add 2 additional very low-income units

3035 Colby Ave. (2 Units)

- First Use Permit under revised Demo Ordinance
- Both units recently under rent-control
- Only proposes two new units
- New Ord. Requires 2 BMR replacement units

2022-2024 Development Applications Proposing Demolition of Residential Units

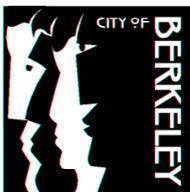
Project Status <i>(As of 10/7/24)</i>	# Projects	Existing Units	Tenant Occupied	# BMR Units	Net Gain/Loss
ZAB Approved	8	68	33	85	+17
App. Complete	2	6	2	4	-2
Under Review	2	6	4	19	+13
Pre-Application	3	28	26	32	+4
Total	15	108	65	140	+32



Questions

Attachment 2.

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
8/8/2024	2425 Durant Ave.	SB 330 Pre-App	Complete	Demo 21 existing units (3 structures) and build 117 new units with 18 BMR replacement	19	19	18 BMR	No	18	7
8/7/2024	3035 Colby Ave.	Use Permit	Complete	Demo 2 existing units and build 2 new units	2	0	0 BMR	No	0	8
6/5/2024	2442 Haste St.	Use Permit	Under Review	Demo Existing 4plex - build 36 new units, 2 BMR, 1 replacement unit	4	4	3 BMR	No	3	7
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	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	8 BMR	Yes	8	4
2/10/2023	2300-10 Ellsworth St.	Use Permit	Approved By ZAB	Construct a seven-story residential building with 69 units.	12	12	12 BMR	Yes	12	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 6/08/2023	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	Approved	Merge two lots to construct a 26 story mixed-used building with 456 dwellings	16	0	16 BMR	Yes	40	4
9/22/2022	2427-33 San Pablo Avenue	Use Permit	Approved by ZAB on 7/11/24	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

MEMORANDUM

DATE: October 17, 2024

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Honorable Members of the LIRA Committee
By: Matt Brown, General Counsel

SUBJECT: 2025 ANNUAL GENERAL ADJUSTMENT STAFF REPORT

Recommendation

That the Board adopt Resolution 24-18 to publish and publicize that, pursuant to Berkeley Municipal Code section 13.76.110, the annual general adjustment (AGA) of rent ceilings for 2025 is an upward adjustment of **2.1%**. The LIRA Committee reviewed this report at its October 10, 2024 meeting.

I. Background

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

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

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

Bureau of Labor Statistics, for the twelve month period ending the previous June 30. In determining the allowable percentage rent increase, numbers of .04 and below shall be rounded down to the nearest tenth decimal place and numbers of .05 and above shall be rounded up to the nearest tenth decimal place. In no event shall the allowable annual adjustment be less than zero (0%) or greater than seven percent (7%). The Rent Board is required to publish and publicize the annual general adjustment on or about October 31st of each year.

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

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

III. Conditions for Taking the Annual General Adjustment

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

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

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

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

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

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

IV. Staff Review

Staff has reviewed the Consumer Price Index figures published by the U.S. Department of Labor, Bureau of Labor Statistics and confirms that, pursuant to Berkeley Municipal Code section 13.76.110.A, the 2025 AGA is an increase of **2.1%**. The LIRA Committee recommends that the Board adopt Resolution 24-18 to publish the 2025 AGA as Regulation 1147 and to direct staff to publicize the 2025 AGA in a manner reasonably calculated to notify all affected persons of the terms of the 2025 Annual General Adjustment no later than November 30, 2024.

Attachments

1. U.S. Department of Labor, Consumer Price Index, All Urban Consumers (CPI), San Francisco-Oakland-San Jose, CA., All items, June 2020 - June 2024
2. Proposed Resolution 24-18 Confirming that the 2025 Annual General Adjustment Increases Rent Ceilings by **2.1%** and Publishing the 2025 AGA as Regulation 1147
3. Proposed 2025 Annual General Adjustment (AGA) Order – Regulation 1147



U.S. BUREAU OF LABOR STATISTICS

Databases, Tables & Calculators by Subject

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

CPI for All Urban Consumers (CPI-U)

Series Id: CUURS49BSAO

Not Seasonally Adjusted

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

Area: San Francisco-Oakland-Hayward, CA

Item: All items

Base Period: 1982-84=100

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

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

12-Month Percent Change

Series Id: CUURS49BSAO

Not Seasonally Adjusted

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

Area: San Francisco-Oakland-Hayward, CA

Item: All items

Base Period: 1982-84=100

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

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

RESOLUTION 24-18**CONFIRMING THAT THE 2025 ANNUAL GENERAL ADJUSTMENT (AGA) INCREASES RENT CEILINGS BY 2.1 PERCENT AND ORDERING THAT THE 2025 AGA BE PUBLISHED AS REGULATION 1147**

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

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

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

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

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

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

Dated: October 17, 2024

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chairperson
Rent Stabilization Board

Attest: _____
DeSeana Williams, Executive Director

1147. ANNUAL GENERAL ADJUSTMENT ORDER FOR 2025

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

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

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

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

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

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

Thirty-Day Notice of Rent Increase

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

Tenant's name: _____

Street address: _____ Unit No. _____

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

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

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

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

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

Date

Landlord/Manager

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

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

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

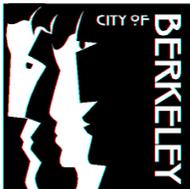
(1) Has failed to register any rental unit on the property in accordance with Section 8 of the Ordinance and/or orders or regulations of the Board, including the requirement to file a vacancy registration form at the beginning of a new tenancy commencing on or after January 1, 1996; or

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

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

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

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



Rent Stabilization Board

MEMORANDUM

DATE: October 17, 2024

TO: Honorable Members of the Berkeley Rent Stabilization Board

FROM: Honorable Members of the LIRA Committee
By: Matt Brown, General Counsel

SUBJECT: 2025 INFLATIONARY ADJUSTMENT OF RELOCATION ASSISTANCE PAYMENTS

Recommendation

That the Board adopt Resolution 24-19 to publish and publicize that, pursuant to Berkeley Municipal Code sections 13.76.130.A.9.h (Owner Move-In), and 13.77.055.A.2 (Ellis Act), the relocation assistance payments set forth in sections 13.76.130.A.9.g. (Owner Move-In) and 13.77.055.A (Ellis Act) shall increase by **3.2%** effective January 1, 2025. The LIRA Committee reviewed this report at its October 10, 2024 meeting.

I. Background

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

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

Beginning in 2018, and effective January 1, 2019, the relocation assistance payment amounts for Owner Move-In evictions may be increased by the percentage increase in the Consumer Price

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

2025 Inflation Adjustment to Relocation Assistance Payments Report

October 17, 2024

Page 2

Index – All Urban Consumers in the San Francisco-Oakland-San Jose Region for the 12-month period ending June 30, of the prior year, as published by the United States Department of Labor. Any increase shall be published by the Board on or before October 31st of each year. The same provisions apply to Ellis Act Relocation Assistance Payments, which “shall” annually increase by the same criteria. (B.M.C. 13.77.055.A.2.)

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

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

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

III. Staff Review

Staff has reviewed the Consumer Price Index figures published by the U.S. Department of Labor, Bureau of Labor Statistics and confirms that, pursuant to Berkeley Municipal Code sections 13.76.130.A.9.h (Owner Move-In), and 13.77.055.A.2 (Ellis Act), the 2024 relocation payments are subject to an increase of **3.2%** effective January 1, 2025. The LIRA Committee recommends that the Board adopt Resolution 24-19 to publish the 2025 Relocation Assistance Payment Amounts no later than October 31, 2024, and to direct staff to advise the interested public regarding these changes.

Attachments

1. U.S. Department of Labor, Consumer Price Index, All Urban Consumers (CPI), San Francisco-Oakland-San Jose, CA., All items, June 2020 - June 2024.
2. Proposed Resolution 24-19 Confirming that the 2025 Relocation Assistance Payments for Owner Move-In and Ellis Act Shall Increase by 3.2 Percent Effective January 1, 2025 and Publishing the 2025 Relocation Payment Amounts.

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



U.S. BUREAU OF LABOR STATISTICS

Databases, Tables & Calculators by Subject

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

CPI for All Urban Consumers (CPI-U)

Series Id: CUURS49BSAO

Not Seasonally Adjusted

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

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

12-Month Percent Change

Series Id: CUURS49BSAO

Not Seasonally Adjusted

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

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

RESOLUTION 24-19**CONFIRMING THAT THE 2025 RELOCATION ASSISTANCE PAYMENTS FOR OWNER MOVE-IN AND ELLIS ACT EVICTIONS SHALL INCREASE BY 3.2 PERCENT EFFECTIVE JANUARY 1, 2025, AND PUBLISHING THE 2025 RELOCATION PAYMENT AMOUNTS**

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

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

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

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

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

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

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

RESOLUTION 24-19

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

Dated: October 17, 2024

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chairperson
Rent Stabilization Board

Attest: _____
DeSeana Williams, Executive Director

RESOLUTION 24-20

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, Ms. Williams’ contract provides for cost-of-living adjustments awarded to the Department Director classification (unrepresented employees in Unit Z1); and

WHEREAS, Berkeley Department Directors received a 6% salary increase in July of 2024 in line with other City of Berkeley employees; and

WHEREAS, the Board would like to formally adjust Ms. Williams’ base salary according to the terms articulated in Section 3 (Compensation and Benefits) of her contract.

NOW, THEREFORE, BE IT RESOLVED that the City of Berkeley Rent Stabilization 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 \$130.171 per hour to \$137.981 (annual base salary adjusted from \$270,755.68 to \$287,000.48) which represents a 6% increase; and

BE IT FURTHER RESOLVED that this adjustment will maintain Ms. Williams’ base salary in line with the requirements articulated in Section 3 (Compensation and Benefits) of the Employment Agreement between Board and Ms. Williams; and

RESOLUTION 24-20

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

BE IT FURTHER RESOLVED that the salary adjustment to Ms. Williams' contract will take effect during the pay cycle beginning in July 2024 when the cost-of-living salary increase for Unit Z1 employees (Department Directors) is implemented; and

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

Dated: October 17, 2024

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

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____
Matt Brown, General Counsel

RESOLUTION 24-21

APPROVING ADJUSTMENT TO COMPENSATION PACKAGE FOR RENT STABILIZATION BOARD GENERAL COUNSEL MATT BROWN

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 General Counsel shall serve as the chief attorney 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 September 23, 2021, the Board adopted Resolution 21-20 and signed a contract with Matt Brown to serve as the Board’s General Counsel; and

WHEREAS, Mr. Brown’s contract provides for cost-of-living adjustments awarded to all unrepresented employees in Unit Z9; and

WHEREAS, unrepresented employees of Unit Z9 will receive a 1% salary increase in July of 2023 in line with other City of Berkeley employees; and

WHEREAS, the Board would like to formally adjust Mr. Brown’s base salary according to the terms articulated in Section 3 (Compensation and Benefits) of his contract.

NOW, THEREFORE, BE IT RESOLVED that the City of Berkeley Rent Stabilization Board hereby authorizes its Executive Director and Board Chair to execute appropriate salary adjustments to the existing employment agreement of Matt Brown that will increase his base salary from \$114.162 per hour to \$121.012 per hour (annual base salary adjusted from \$237,456.96 to \$251,704.96) which represents a 6% increase; and

RESOLUTION 24-21

**APPROVING ADJUSTMENT TO COMPENSATION PACKAGE FOR RENT
STABILIZATION BOARD GENERAL COUNSEL MATT BROWN (Page 2)**

BE IT FURTHER RESOLVED that this adjustment will maintain Mr. Brown’s base salary in line with the requirements articulated in Section 3 (Compensation and Benefits) of the existing Employment Agreement between Board and Mr. Brown; and

BE IT FURTHER RESOLVED that the salary adjustment to Mr. Brown’s contract will take effect during the pay cycle beginning in July 2024 when the cost-of-living salary increase for all unrepresented employees in Unit Z9 is implemented; and

BE IT FURTHER RESOLVED that all other terms of Mr. Brown’s contract will remain the same.

Dated: October 17, 2024

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

YES:

NO:

ABSTAIN:

ABSENT:

Leah Simon-Weisberg, Chair
Rent Stabilization Board

Attest: _____
DéSeana Williams, Executive Director



RENT STABILIZATION BOARD
BUDGET & PERSONNEL COMMITTEE MEETING

Thursday, October 3, 2024 – 5:30 p.m.

Rent Stabilization Board Conference Room A – 2000 Center Street, Ste. 400- 4th floor, Berkeley

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

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

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/84886748010?pwd=Mp9iOasagDUyvmvXuUOaaEMgbw7i1P.1>. If you do not wish your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself as anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 848 8674 8010 and Passcode: 490933. 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 DeWilliams@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR BUDGET & PERSONNEL COMMITTEE." Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 3:30 p.m. on the day of the Committee meeting in order to be included.**

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

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



COMMUNICATION ACCESS INFORMATION:

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

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



Rent Stabilization Board

RENT STABILIZATION BOARD
BUDGET & PERSONNEL COMMITTEE MEETING

Thursday, October 3, 2024 – 5:30 p.m.

Rent Stabilization Board Conference Room A – 2000 Center Street, Ste. 400- 4th floor, Berkeley

AGENDA

1. Roll Call
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-Chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors, and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of agenda
4. Public Comment
5. Approval of April 11, 2024, meeting minutes (attached to agenda)
6. Low-Income Tenant Pass-through Reimbursement Program Fund Update for FY 24/25 (Verbal report only)
7. Preliminary FY 23/24 Year End Report (See Attached Staff Report).
8. Update on Rent Board staffing, recruitment, and capacity building (verbal report only)
9. Future agenda items
10. Discussion and possible action to set the next meeting
11. Adjournment

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

COMMITTEE: Comm. Chair-Dominique Walker, Soli Alpert, Nathan Mizell, Leah Simon-Weisberg.



RENT STABILIZATION BOARD
ENVIRONMENTAL SUSTAINABILITY COMMITTEE

Monday, October 7, 2024 – 6:00 p.m.

Rent Stabilization Board Conference Room A – 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/89757118944?pwd=3yzviyifQ53aDb0V5lGXaFUXZrziQ8.1>. 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: 897 5711 8944 and Passcode: 799039. 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 with the Subject line in this format: "PUBLIC COMMENT ITEM FOR ENVIRONMENTAL SUSTAINABILITY COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 4:00 p.m. on the day of the Committee meeting in order to be included.**

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

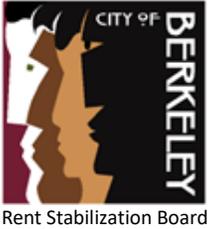
This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting at the posted location(s). Questions regarding this matter may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

COMMUNICATION ACCESS INFORMATION:



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

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RENT STABILIZATION BOARD
ENVIRONMENTAL SUSTAINABILITY COMMITTEE

Monday, October 7, 2024 – 6:00 p.m.

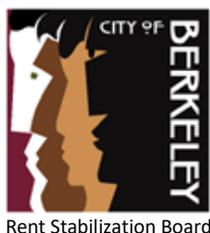
Rent Stabilization Board Conference Room A – 2000 Center Street, Suite 400, Berkeley

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. Approval of the Agenda (2 min.)
4. Public Comment (5 min.)
5. Approval of September 12, 2024 Meeting Minutes (2 min.)
6. Update on Inflation Reduction Act - Decarbonization Without Displacement (20 min.)
7. Review of Current City of Berkeley Green Building Improvement Programs (15 min.)
8. Announcements (5 min.)
9. Next Meeting (2 min.)
10. Future Agenda Items (5 min.)
11. Adjournment (2 min.)

STAFF CONTACT: Nathan Dahl, Public Information Unit Manager (510) 981-4935

COMMITTEE: Ida Martinac (Chair), Stefan Elgstrand, Xavier Johnson, Leah Simon-Weisberg



RENT STABILIZATION BOARD

LEGISLATION, IRA / AGA & REGISTRATION COMMITTEE MEETING

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

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

Teleconference location: 1418-A 67th Street, Berkeley

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

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

To access this meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device by clicking on this URL: <https://us06web.zoom.us/j/81572122377?pwd=fkctPnOprCGWG7Ve6gj8bm0GCUyF4g.1>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

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

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

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



COMMUNICATION ACCESS INFORMATION:

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

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

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

Teleconference location: 1418-A 67th Street, Berkeley

AGENDA

1. Roll call
2. Land Acknowledgment Statement: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.
3. Approval of the agenda
4. Approval of the minutes of the September 5, 2024 meeting (See attached)
5. Public Comment
6. Discussion and possible action to recommend that full Board approve publication of the 2025 Annual General Adjustment at the October 17, 2024 meeting (see attached Staff Report)
7. Discussion and possible action to recommend that full Board approve the 2024 Annual Inflationary Adjustment of the Owner Move-In and Ellis Act Relocation Assistance payments at the October 23, 2023 meeting (see attached Staff Report)
8. Discussion and possible action regarding adding an official comment period for representatives of the City of Berkeley employee unions at regular Board meetings (see attached Item)
9. Discussion and possible action regarding the agency's practices for gathering data on Berkeley rental housing from City of Berkeley departments.
10. Discussion and possible action regarding future agenda items
11. Confirm next meeting date
12. Adjournment

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



RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING

Wednesday, October 16, 2024 – 6:00 p.m.

Rent Stabilization Board Conference Room A – 2000 Center Street, Suite 400, Berkeley
Teleconference location: 1418A 67th Street, Berkeley

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

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To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 857 4321 5703 and Passcode: 183575. 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 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.



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RENT STABILIZATION BOARD
OUTREACH COMMITTEE MEETING

Wednesday, October 16, 2024 – 6:00 p.m.

Rent Stabilization Board Conference Room A – 2000 Center Street, Suite 400, Berkeley
Teleconference location: 1418A 67th Street, Berkeley

AGENDA

1. Roll call (1 min.)
2. Land Acknowledgment Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors, and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of the Agenda (2 min.)
4. Approval of the Minutes of the September 9, 2024 Meeting (2 min.)
5. Public Comment (5 min.)
6. Review of 2025 Annual General Adjustment and Security Deposit Interest Postcard (15 min.)
7. Outreach and Engagement Related to the Passage of New Laws. (15 min.)
8. Community Events and Outreach Updates (10 min.)
9. Next Meeting Date (5 min.)
10. Future Agenda Items (5 min.)
11. Announcements (3 min.)
12. Adjournment (2 min.)

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



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

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

**Monday, October 7, 2024 – 3:00 p.m.
2180 Milvia Street, 1st Floor, Cypress Room, Berkeley**

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

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To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 160 960 6639 and Passcode: 919006. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Committee Chair.

To submit a written communication for the Committee's consideration and inclusion in the public record, email hkim@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR 4 X 4 COMMITTEE." Please observe a 150-word limit. **Email comments must be submitted to the email address above by 1:00 p.m. on the day of the Committee meeting in order to be included.**

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

AGENDA

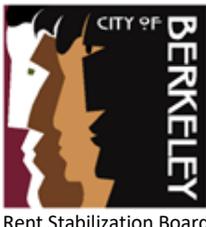
**4 X 4 JOINT TASK FORCE COMMITTEE ON HOUSING
CITY COUNCIL/RENT STABILIZATION BOARD
Monday, October 7, 2024 – 3:00 p.m.
2180 Milvia Street, 1st Floor, Cypress Room, Berkeley**

1. Roll call
2. Land Acknowledgement Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*
3. Approval of the agenda
4. Public comment on non-agenda matters
5. Approval of the June 19, 2024 Committee meeting minutes (see attachment)
6. Update: Inflation Reduction Act Implementation (see attachments)
7. Update: Demolition Report (see attachment)
8. Update: Status on Tenant Habitability Plan
9. Discussion of possible future agenda items
10. Confirm next meeting date
11. Adjournment

COMMITTEE MEMBERS:

Mayor Jesse Arreguín
City Councilmember Sophie Hahn
City Councilmember Cecilia Lunaparra
City Councilmember Igor Tregub

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



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

**Wednesday, June 19, 2024 – 3:00 p.m.
1947 Center Street, Magnolia Room- 3rd Floor
3225 Simon Road Manitowoc, Wisconsin 54220**

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

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To join by phone: Dial 1-669-900-6833 and enter Webinar ID: 865 8740 5852 and Passcode: 381046. 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 DeWilliams@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR BUDGET & PERSONNEL COMMITTEE." Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 1:00 p.m. on the day of the Committee meeting in order to be included.**

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

Wednesday, June 19, 2024 – 3:00 p.m.

1947 Center Street, Magnolia Room- 3rd Floor

3225 Simon Road Manitowoc, Wisconsin 54220

Minutes - To Be Approved

1. Roll call: Mayor Arreguín called the meeting to order at 3:24 p.m.
Present: Mayor Arreguín, RBC Elstrand, CM Hahn, RBC Johnson, RB Chair Simon-Weisberg, RBC Walker.
Absent: CM Lunaparra.
Staff present: Matt Brown, Bren Darrow, Ollie Ehlinger, Jen Fabish, DéSeana Williams.
2. Land Acknowledgement Statement: *The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun-(Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878 and since the Rent Stabilization Board's creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.*

The Land Acknowledgement Statement was read aloud.

3. Approval of the agenda: M/S/C (Arreguín/Hahn) Approve the agenda with the following changes: Take up item 8 after item 5, followed by item 7, followed by item 6. Roll call vote. YES: Arreguín, Elstrand, Johnson, Hahn, Simon-Weisberg, Walker; NO: None; Abstain: None; ABSENT: Lunaparra. Carried: 6-0-0-1.
4. Public comment on non-agenda matters: There were 3 speakers.
5. Approval of October 24, 2023 Committee meeting minutes (see attachment): M/S/C (Arreguín/Hahn) Approve the minutes as written. Roll call vote. YES: Arreguín, Elstrand, Johnson, Hahn, Simon-Weisberg, Walker; NO: None; ABSTAIN: None; ABSENT: Lunaparra. Carried: 6-0-0-1.



Rent Stabilization Board

6. Discussion and possible action to recommend that Council place a ballot measure to amend the Berkeley Rent Ordinance on the November 2024 general election ballot (requested by Chair Simon-Weisberg and Mayor Arreguin). See attachment.

This item was taken up after item 7. Mayor Arreguín highlighted the change from ten to fifteen years in section 13.76.050.A.1 of the proposed Ordinance revisions contained in the agenda packet. The committee also discussed changes to the following sections of that document: 13.76.050.B.10, Golden Duplex Exemption and 13.76.135 Right to Organize. The committee provided direction to Rent Board staff to prepare an updated version of the proposed Ordinance revisions reflecting the discussed changes, and to look at the week of July 8, 2024 to schedule a special meeting for the committee to consider them.

There were 14 public speakers.

7. Discussion and possible action regarding proposed amendments to the Demolition Ordinance to be considered by Council on June 25, 2024. (requested by Chair Simon-Weisberg). See attachment.

This item was taken up after item 8. Chair Simon-Weisberg introduced the item, which the committee briefly discussed. No action was taken.

There were 4 public speakers.

8. Discussion and possible action regarding the Planning Department issuing permits for elective work that triggers the Relocation Ordinance (BMC Chapter 13.84) for tenant-occupied rental units (requested by Chair Simon-Weisberg)

This item was taken up after item 5. The committee provided direction to Rent Board staff to convene staff from the Planning Department, Health, Housing, and Community Services, and the City Attorney's Office to: (1) discuss the situation and prepare a recommendation on protocols aimed at curbing unwarranted tenant displacement/evictions due to elective work, and (2) assess whether any city laws need to be updated to meet this aim.

There were 9 public speakers.

9. Discussion of possible future agenda items: This item was not discussed due to time constraints.

10. Confirm the next meeting date: This item was not discussed due to time constraints.
 - a. September 18, 2024.

11. Adjournment: M/S/C (Arreguín/Johnson) Adjourn the meeting. Roll call vote. YES: Arreguín, Elgstrand, Johnson, Hahn, Simon-Weisberg, Walker; NO: None; Abstain: None; ABSENT: Lunaparra. Carried: 6-0-0-1. The meeting adjourned at 5:54 p.m.

COMMITTEE MEMBERS:

Mayor Jesse Arreguín
City Councilmember Sophie Hahn
City Councilmember Cecilia Lunaparra

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

The [California IRA Residential Energy Rebate Programs](#) will start rolling out this fall, with the Home Electrification and Appliance Rebates (HEEHRA) Phase I program. The Home Efficiency Rebates (HOMES) programs will be launching in 2025 and 2026. Here's more detail:

California will launch HEEHRA Phase I (total of \$80M in rebates) through the [TECH Clean California](#) program, which has a network of registered contractors and other trade professionals. These trade professionals will apply for and pass the rebates for energy-efficient appliances along to eligible property owners including low- and moderate-income households, under 150% of the Area Median Income, and owners of multifamily buildings (5+ residential units) with income-eligible tenants.

HEEHRA Phase II (total of \$152M in rebates) is under development. The CEC plans to hold a public workshop this fall and anticipates launching the program in late 2025/early 2026.

California's HOMES will include two programs:

- [HOMES Equitable Building Decarbonization Direct Install Program](#), which will provide low- or no-cost upgrades for low- and moderate-income residents, launching in 2025, and
- HOMES Pay for Performance Program, with rebates based on measured energy savings, available to Californians of all income levels, launching in 2025 or 2026.

At the current time, Rent Board Sustainability Committee members could subscribe on the [California IRA Residential Energy Rebate Programs](#) website (right-hand side) to receive notice of the upcoming public workshop on the HEEHRA Phase II program and other information. In addition, the California Energy Commission (CEC) welcomes comments and continues to consider [additional comments submitted to the docket](#) as the CEC works to implement these programs.

There are other IRA programs as well, including the [Federal IRA Clean Vehicle and Energy tax credits and deductions](#).

In general, our office works to maintain this webpage, [Financing Green Building Improvements](#), with information and links to resources.

Hope that helps,
Sarah

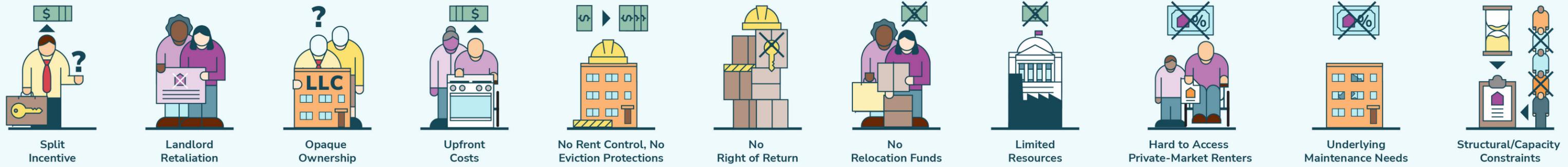
Sarah Moore (she/her)
Manager, Office of Energy & Sustainable Development
City of Berkeley | 510-981-7494 | smoore@berkeleyca.gov

Decarbonization Without Displacement

Tenant Advocacy in the Context of Inflation Reduction Act Implementation



Issues for IRA Access by Renters & Communities



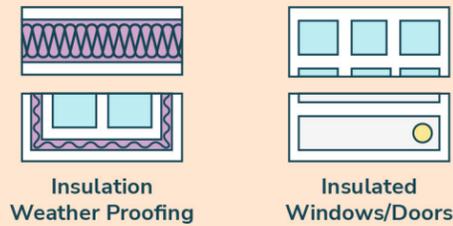
IRA Rebates & Reimbursements

IRA Flexible Funding

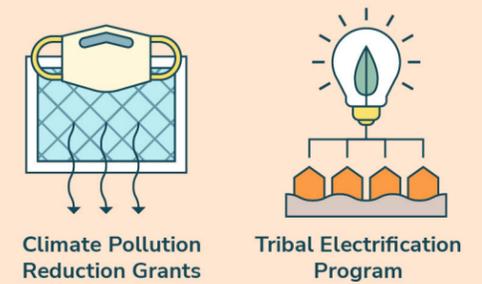
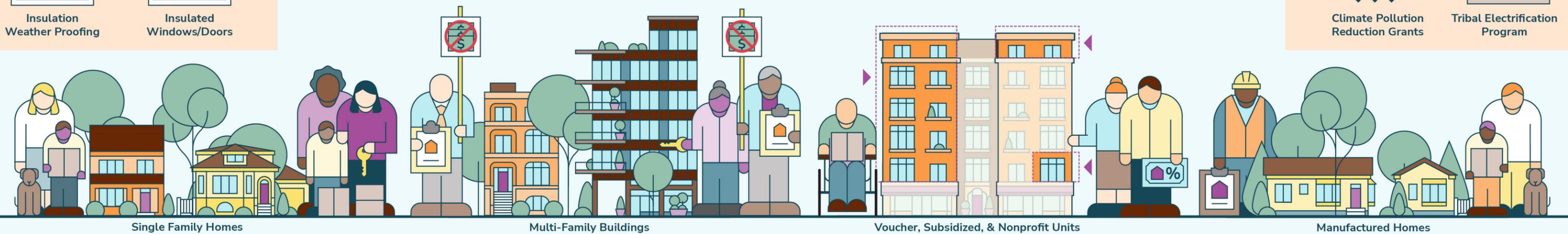
Home Electrification & Appliance Rebates



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

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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8 The challenges of getting rebate fund to those who need repairs most,
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12 Flexible IRA funding that could impact rental housing conditions

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23 Appendix A: IRA reimbursements



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.¹ 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.²

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.³ Furthermore, approximately 40 percent of the country's rental housing stock is in communities on the frontlines of the climate crisis.⁴ 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.⁵ 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.⁶

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.

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.>

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**.

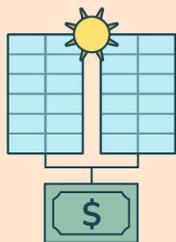
6 For examples of environmental justice and tenant justice policy frameworks developed directly with those impacted by the joint housing, climate, and racial justice crises, see "Red, Black and Green New Deal: Climate agenda for Black Lives Matter," (Al Jazeera) *A National Homes Guarantee Briefing Book*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

Part 1

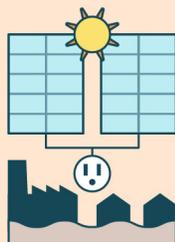
Analysis of IRA Funding for Renters



Direct Pay
Tax Credits



Greenhouse Gas
Reduction Fund



Clean Communities
Accelerator



Green & Resilient
Retrofit Program



Zero Building Energy
Code Adoption

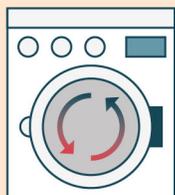


Enviro & Climate
Justice Block Grants

Home Electrification & Appliance Rebates



Induction
Stoves & Ranges



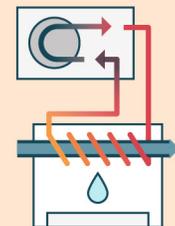
Heat Pump
Dryer



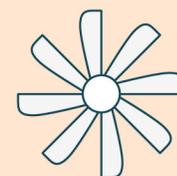
Electric System
Upgrades



Heat Pump for
Space Heating



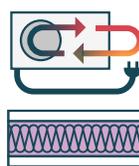
Heat Pump
Water Heaters



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 \$14,000.⁷ (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.⁸

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.

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.⁹

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.¹⁰



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.¹¹

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.¹² 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.

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.¹³ 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.¹⁴

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.¹⁵ 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.¹⁶ 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.”¹⁷ There is also no commitment to fund enforcement of these protections, which is another essential ingredient for strong enforcement practices.¹⁸

The DOE requires states to create an outreach and community education plan as part of their funding applications.¹⁹ 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.²⁰ 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.²¹ 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.²² 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.²³



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.

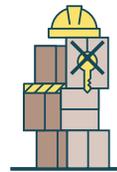
A lack of guardrails on funding could also lead to the displacement of Black, Brown, and lower-income tenants:



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.²⁴ For most low-income renters, a rent hike is tantamount to an eviction.²⁵ While policies to regulate rents are becoming increasingly popular in the US,²⁶ 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.²⁷ 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.

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.²⁸ 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.*²⁹

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.”³⁰

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.³¹ 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.³²

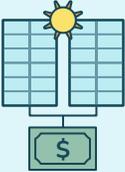
Figure 2. Grant programs in the IRA that could be applied to rental housing

	Program Name	Funding Flow & Eligibility
	<p><u>Green and Resilient Retrofit Program:</u> 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>\$27 billion budgeted</p>	<p><u>Greenhouse Gas Reduction Fund (GGRF)</u>: 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>\$1 billion budgeted</p>	<p><u>Zero Building Energy Code Adoption</u>: 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>\$5 billion budgeted</p>	<p><u>Climate Pollution Reduction Grants</u>: 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>Direct Pay Tax Credits for Clean Energy: 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>\$3 billion budgeted</p>	<p>Environmental and Climate Justice Block Grants: 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>\$145.5 billion budgeted</p>	<p>Tribal Electrification Program: 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.



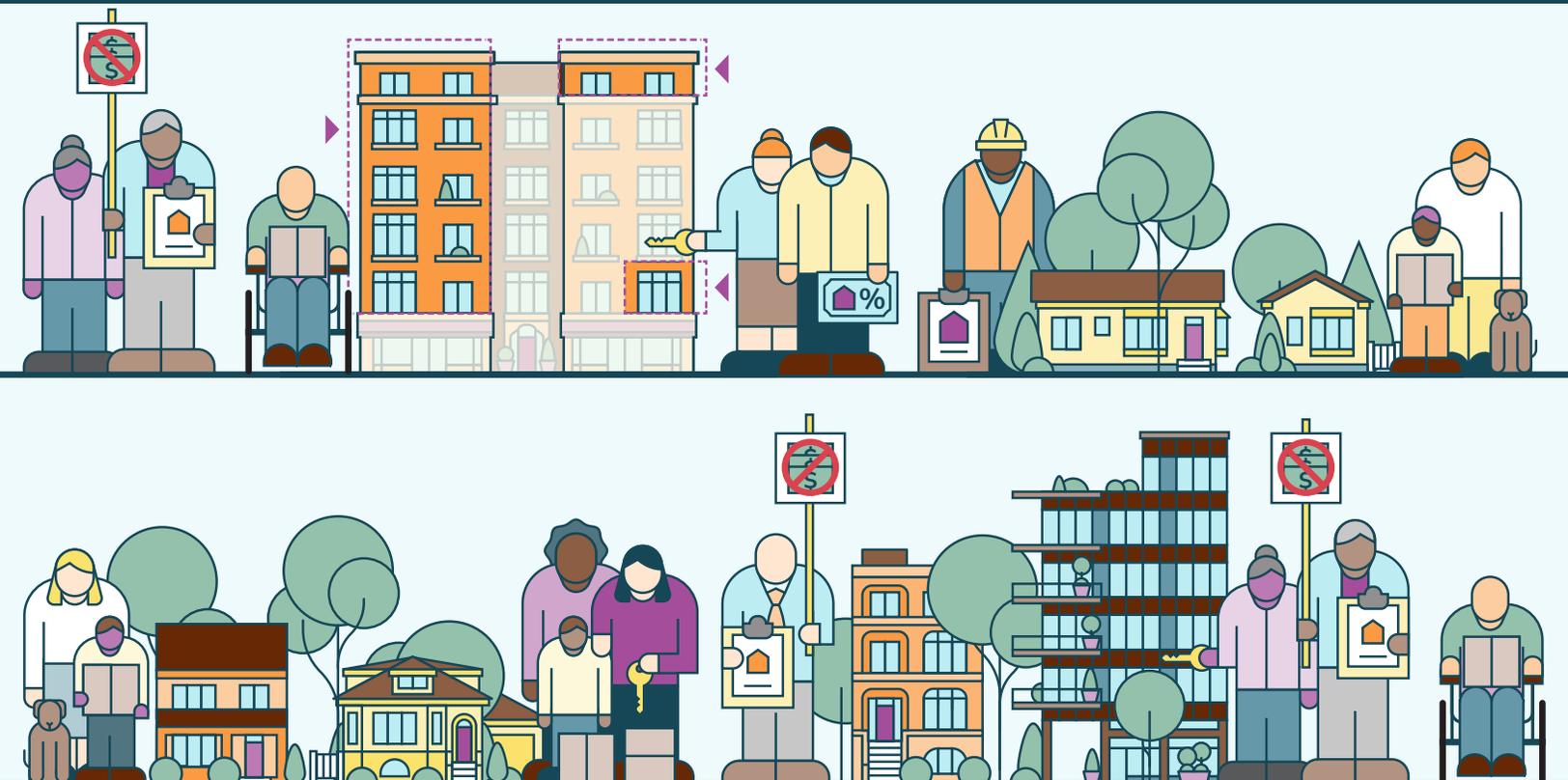
3. **Preventing displacement in Environmental Justice communities.** While low-income neighborhoods and Environmental Justice communities are prioritized in several of these IRA funding streams, Congress did not build in conditions on funding that would bar displacement practices. Without tenant protections 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.³³ 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.³⁴ 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.

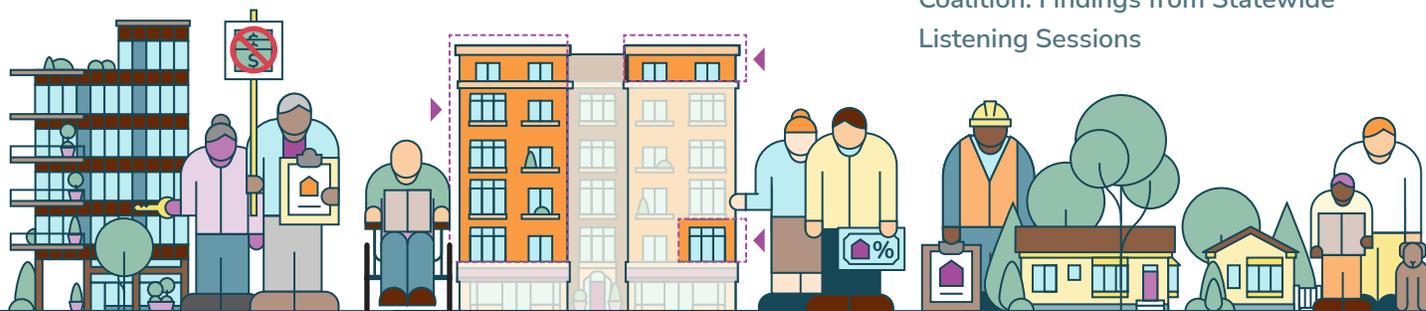
Additional Resources

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 \(Heatmap\)](#)

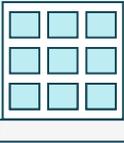
ABOUT EQUITABLE DECARBONIZATION AND TENANT JUSTICE:

-  [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
	Insulation to lower utility bills and make homes warmer and safer during extreme weather events. ³⁵	Average cost range: 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. Maximum reimbursement: \$1,200 in tax credits.
	Door improvements to lower utility bills and make homes less drafty. New doors can also make units safer and minimize rodents.	Average cost range: The average cost of a new exterior door is \$600 to \$1,500. ³⁶ Maximum reimbursement: \$500 in tax credits.
	Window improvements to better protect renters from extreme weather events and improve insulation. New windows can also make units safer and minimize rodents.	Average cost range: \$325 to \$850 per insulated thermal window. ³⁷ Maximum reimbursement: \$600 in tax credits.
	Electric stove/cooktop to cook without exposing tenants to gas, which can have negative health impacts.	Average cost: \$1,300. ³⁸ Maximum reimbursement: \$840, plus up to \$1,200 via tax credits.
	Continued Next Page...	

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>Heat pumps 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.³⁹</p>	<p>Average cost range: Prices vary significantly, but current average price for installation is \$5,500.⁴⁰</p> <p>Maximum reimbursement: \$8,000 in rebates, plus \$2,000 via tax credits</p>
	<p>Heat pump water heaters 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.⁴¹</p>	<p>Average cost range: Typically ranges from \$1,500 to \$3,000, but can cost significantly more in a multifamily setting.⁴²</p> <p>Maximum reimbursement: \$1,750 via rebates, plus \$2,000 via tax credits.</p>
	<p>Heat pump clothes dryer to make it easier to wash clothes in-unit without increasing utility costs.</p>	<p>Average cost range: \$1,000.⁴³</p> <p>Maximum reimbursement: \$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.

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

	Upgrade Type	Costs & Rebate Amounts
	<p>Breaker box upgrades to allow for higher electrical loads and minimize outages.</p>	<p><i>Average cost:</i> \$1,280 to \$2,700.⁴⁴</p> <p><i>Maximum reimbursement:</i> \$4,000 in rebates.</p>
	<p>Electric wiring changes to increase safety and resilience during disasters and improve home energy efficiency.</p>	<p><i>Average cost range:</i> \$7,000.⁴⁵</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.

⁴⁴ 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/>.

⁴⁵ 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: September 19, 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

Beginning in calendar year 2022, there have been fourteen development applications that propose the demolition of existing multi-family residential buildings that include dwelling units that are either subject to rent control, or potentially subject to rent control when rented. These applications propose the removal of one-hundred and eight (108) residential units, sixty-seven of which were occupied by tenants at the time Rent Board staff reviewed the application. This update includes a new SB 330 preliminary development application that was submitted for 2425 Durant Avenue. The 2425 Durant Avenue project proposes to replace three existing, rent-controlled buildings with 21 units with a new residential building with one-hundred and seventeen dwelling units. This application only proposes eighteen (18) replacement BMR units.

Additionally, the project at 2138 Center Street (also 2128 Oxford) was approved by the Zoning Adjustments Board (ZAB) on July 11, 2024. This project was approved with greater than one-for-one replacement of existing sixteen dwelling units with a total of forty (40) BMR units.

Project Status (As of 9/12/24)	# Projects	# Existing Units	Tenant Occupied	# BMR Units	Net Gain/Loss
ZAB Approved	7	56	21	72	+16
App. Complete	2	16	14	13	-3
Under Review	2	6	4	19	+13
Pre-Application	3	30	28	32	+2
Total	14	108	67	136	+28

Overall, if all existing projects were approved and moved forward to construction, they would result in a net gain of twenty-eight BMR units (beyond the one-for-one replacement of a BMR unit for each existing residential unit). Of the fourteen proposed development applications, seven applications are currently proposing at least one-to-one replacement of rent-controlled units with BMR units.

Attachments:

- 1) Residential Demolition Application Update Presentation Slides (Updated for 9-19-2024)
- 2) 9-19-2024 Residential Demolition Application Update

Name and Telephone Number of Contact Person:

Lief Bursell, Senior Planner (510) 981-7368



Residential Dwelling Demolition Application Update

Projects involving demolition of Rent-Controlled Dwellings

Updated for September 19, 2024



Demo Project Updates Sep. 19, 2024

2425 Durant Avenue (21 Units)

- SB 330 Preliminary Application
- Submitted 8/8/24 one day before Revised Demo Ordinance went into effect
- Proposed 117 new units (18 BMR)
- Unit discrepancy: 19 Units in app., 21 Rent-Controlled, permit for 2 ADUs in process

2128 Oxford (16 Units)

- Mixed-use building with 16 rent-controlled units
- 26-story, 450 Unit Mixed-Use building
- 40 BMR units, including 16 replacement BMR units
- Ellis Act eviction in July of 2021 (one tenancy)
- \$11 Million to Housing Trust Fund
- Approved by ZAB on 9/12/24

2022-2024 Development Applications Proposing Demolition of Residential Units

Project Status <i>(As of 9/12/24)</i>	# Projects	Existing Units	Tenant Occupied	# BMR Units	Net Gain/Loss
ZAB Approved	7	56	21	72	+16
App. Complete	2	16	14	13	-3
Under Review	2	6	4	19	+13
Pre-Application	3	30	28	32	+2
Total	14	108	67	136	+28



Questions

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
8/8/2024	2425 Durant Ave.	SB 330 Pre-App	Complete	Demo 21 existing units (3 structures) and build 117 new units with 18 BMR replacement	21	21	18 BMR	No	18	7
6/5/2024	2442 Haste St.	Use Permit	Under Review	Demo Existing 4plex - build 36 new units, 2 BMR, 1 replacement unit	4	4	3 BMR	No	3	7
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	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 6/08/2023	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	Approved	Merge two lots to construct a 26 story mixed-used building with 450 dwellings	16	0	16 BMR	Yes	40	4
9/22/2022	2427-33 San Pablo Avenue	Use Permit	Approved by ZAB on 7/11/24	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