

Rent Stabilization Board

RENT STABILIZATION BOARD
EVICTION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Wednesday, September 18, 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/82484338140?pwd=yU30QIJ0xGFqOaThKs06EvFbS5tjqw.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: 824 8433 8140 and Passcode: 416345. 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 oeHLinger@berkeleyca.gov with the Subject line in this format: "PUBLIC COMMENT ITEM FOR EVICTION/SECTION 8 COMMITTEE". Please observe a 150-word limit. Time limits on public comments will apply. Written comments will be entered into the public record. **Email comments must be submitted to the email address above by 4:00 p.m. on the day of the Committee meeting in order to be included.**

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

This meeting will be conducted in accordance with Government Code Section 54953 and all current state and local requirements allowing public participation in meetings of legislative bodies. Any member of the public may attend this meeting 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
EVICTIION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Wednesday, September 18, 2024 – 6:00 p.m.

Rent Board Conference Room A – 2000 Center Street Suite 400, 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 June 11, 2024 meeting
5. Public Comment
6. Discussion and possible action regarding recent eviction data
7. Discussion and possible action regarding Ellis Act Eviction Report
8. Discussion and possible action regarding Measure AA Owner Move-in Eviction Report
9. Confirm next meeting date
10. Adjournment

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



Rent Stabilization Board

RENT STABILIZATION BOARD

EVICITION / SECTION 8 / FORECLOSURE COMMITTEE MEETING

Tuesday, June 11, 2024 – 6:30 p.m.

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

MINUTES – (*Unapproved*)

1. Roll call: Committee Staffer Ollie Ehlinger called Roll at 6:35 pm
Members present: Elgstrand, Johnson, Mizell
Members absent:
Staff present: O. Ehlinger
2. Land Acknowledgment Statement: The Land Acknowledgment Statement was played.
3. Approval of the Agenda: The Committee approved the agenda with no changes. M/S/C (Mizell/Johnson). Voice vote, motion carried.
4. Approval of Minutes of the February 13, 2024 meeting: M/S/C (Johnson/Mizell) Motion to approve the February 13, 2024 meeting minutes without amendment. Voice vote, motion carried
5. Public Comment: No members of the public offered a comment.
6. Discussion and possible action regarding Distressed Properties Report: Committee Staffer Ehlinger gave a brief report on the number of Berkeley properties in some stage of foreclosure proceedings. The Committee briefly discussed the report and took no action.
7. Discussion regarding Board data on recent eviction activity: Committee Staffer Ehlinger gave a brief report on the Board's data regarding eviction notices. Committee Chair Elgstrand opened public comment and one member of the public commented. The Committee briefly discussed the report and took no action.
8. Discussion and possible action regarding Measure AA Owner Move-in Eviction Report: Committee Staffer Ehlinger presented the agency's report on owner move-in eviction from January 2021 through December 2023. The Committee briefly discussed the report and took no action.
9. Confirm next meeting date: The Committee confirmed September 10, 2024 at 6:00 pm as its next meeting date.

10. Adjournment: M/S/C (Johnson/Mizell) Motion to Adjourn. Voice vote, motion carried. Meeting adjourned at 7:04 p.m.

STAFF CONTACT: Ollie Ehlinger, Staff Attorney – (510) 981-4924

COMMITTEE: Stefan Elgstrand (Chair), Xavier Johnson, Ida Martinac, Nathan Mizell



Rent Stabilization Board

MEMORANDUM

DATE: September 18, 2024

TO: Honorable Members of the Eviction/Section 8/Foreclosure Committee

FROM: Ollie Ehlinger, Staff Attorney

SUBJECT: Rent Board Eviction Data: June-August 2024
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Under Berkeley Municipal Code section 13.76.130.D, any landlord covered by the Good Cause for Eviction provisions of the Rent Stabilization Ordinance must file “a copy of any notice of termination, notice to quit, and summons and complaint” with the Board within 10 days of the service of that document on the tenant.

For the period from June 1, 2024 through August 31, 2024, the Board received the following eviction filings:

- Total Termination Notices¹: 135
- Termination Notices alleging non-payment of rent: 121
- Termination Notices alleging substantial violations of a material term of the rental agreement: 13
- Termination Notices alleging substantial damage to the rental unit: 2
- Termination Notices alleging failure to provide access to the rental unit: 1
- Unlawful Detainer Complaints: 16

¹ Notices may allege more than one good cause for eviction.



Rent Stabilization Board

DATE: September 18, 2024

TO: Honorable Members of the Eviction/Section 8/Foreclosure Committee

FROM: Oliver Ehlinger, Staff Attorney

SUBJECT: Summary of Ellis Act Evictions (1986 – June 30, 2024)

Background

The origins of the Ellis Act (Gov't Code sections 7060 *et seq.*; “the Act.”) are found in *Nash v. City of Santa Monica* (1984) 37 Cal.3d 97. The plaintiff in *Nash* argued that rent control was a form of indentured servitude, and it was unconstitutional to force him to continue as a landlord by not being able to evict his tenants at will. The California Supreme Court disagreed and found that a city’s interest in maintaining adequate rental housing outweighed a landlord’s interest in demolishing his residential rental property provided the landlord was receiving a fair return on his investment. In 1985, in direct response to the *Nash* decision, the Legislature adopted the Ellis Act which provides that: “[n]o public entity . . . shall . . . compel the owner of any residential real property to offer, or to continue to offer, accommodations in the property for rent or lease.” (Gov’t Code §7060(a).) Thus, the Act gives property owners an absolute right to leave the residential landlord-tenant business. Accordingly, a claim that a landlord is going out of the residential rental business is good cause for eviction. The Ellis Act does not expressly create new or additional rights to change the use of the property after the property owner regains possession of the rental units and, in fact, allows cities to maintain control over most land use issues.

In an attempt to ensure that this right to evict sitting tenants is not abused, the Act authorizes a municipality to place the following constraints on a property that has been removed from the residential rental market. The City Council codified Berkeley’s various restrictions in the Ellis Implementation Ordinance (Berkeley Municipal Code Section 13.77):

- For all tenancies commenced within 5 years of the date of filing of the notice of intent to withdraw accommodations from rent or lease or the date the accommodations were withdrawn from the market, whichever is later, the accommodation must be rented at the lawful rent in effect at the time the notice is filed, plus the annual adjustments granted by the Berkeley Rent Board. (B.M.C. 13.77.040A.)

- If the accommodations are rented within 2 years of being withdrawn from the rental housing market, the owner shall be liable to the displaced tenants for actual and punitive damages. (B.M.C. 13.77.040B.)
- If the accommodations are re-rented within 10 years of the date of withdrawal, the accommodation must first be offered to the displaced tenant(s). (B.M.C. 13.77.040C.)
- In addition, the Condominium Conversion Ordinance prohibits owners from applying to convert the building to condominiums for at least 10 years following the filing of an Ellis notice. (B.M.C. 21.28.060C. and 21.28.090B.)

The Ellis Act and Implementation Ordinance authorize accommodations to be withdrawn from the market following at least 120 days' notice to the tenants. (Gov't Code §7060.4(b). and B.M.C. 13.77.050A.1.) The date of withdrawal is extended to one year for tenants who are disabled or 62 years of age or older, have lived in the unit for at least one year and have timely notified the owner of qualification for this extended notice period. (Gov't Code §7060.4(b). and B.M.C. 13.77.050A.8.)

The Ellis Implementation Ordinance has been revised several times throughout the years to account for changes in state law and to adjust relocation benefits. In the ordinance, the Council initially established relocation benefits of \$4,500, an amount that tracked the original relocation benefits given to low-income tenants who are displaced due to owner move-in evictions. In subsequent years, Council has revised the Ellis Implementation Ordinance to remove the requirement that a household be low-income to receive relocation benefits. These were adjusted by Council in December of 2016 increasing the relocation benefits to \$15,000 per household with an additional \$5,000 available to households that qualify as low-income or include disabled or elderly tenants, minor children, or a household with a tenancy that began prior to January 1, 1999. Commencing in 2018, the relocation benefits now increase in an amount based on the Consumer Price Index.

At the request of the Council and as permitted under City of Berkeley Charter Article XVII Section 123(4), the Rent Board monitored compliance with the Ellis Act from 1986-1991. From 1991 through 1999 the City administered the Ellis Act. The Board resumed monitoring compliance in 2000. The Board counsels landlords and tenants regarding the Ellis Act; receives and reviews all Ellis notices; contacts tenants following receipt of notices; holds the relocation funds in escrow and distributes funds at the appropriate time; files the notice of constraints with the County; and continues to monitor rental occupancy of units that were withdrawn from the rental market on a periodic basis.

Ellis Bill filings in the city have remained fairly low the past few years compared to cities such as San Francisco and Los Angeles which have experienced exponentially greater Ellis Act filings. In 2018 there were six filings totaling twenty-six units, for 2019 there was one filing which has since been rescinded, for year 2020 there were two filings, one of which was rescinded. In 2022, there were five filings, representing seven units, one of which was rescinded

and re-served. This is compared to filings in the early 2000’s which saw 40 filings representing 113 units over a span from 2001 through 2004.

During most of the COVID-19 pandemic, Ellis Act withdrawals were permitted. On September 29, 2022, Council amended the COVID-19 eviction moratorium to prohibit Ellis Act withdrawals. Presumably as a result, the Board did not receive any Ellis requests after that date.

The following data is taken from the Board’s and City’s Ellis Act files:

Ellis Bill Filings Since July 1986

Calendar Year	# of Properties Filed	Total Number of Units	Comments
1986	1	6	
1987	3	7	
1988	2	5	
1989	8	19	
1990	14	52	12 unit bldg
1991	8	18	
1992	6	23	
1993	6	26	12 unit bldg
1994	2	2	
1995	2	4	
1996	2	19	12 unit bldg
1997	4	5	
1998	3	4	
1999	4	7	
2000	2	5	
2001	18	51	
2002	9	24	
2003	8	17	
2004	6	21	
2005	2	3	
2006	7	26	
2007	4	8	
2008	6	11	
2009	2	8	
2010	2	11	
2011	0	0	
2012	0	0	
2013	2	7	
2014	3	10	
2015	6	21	
2016	3	11	
2017	4	13	
2018	5	13	
2019	0	0	

2020	2	6	
2021	5	25	
2022	4	7	
2023	2	2	
2024*	2	3	
Totals	169	500	

*Totals through June 30, 2024

Size of the Buildings Taken off the Market

Number of Units in Bldg	Total Ellis Filings	% of Total Filings
1 Unit	53	31%
2 Units	43	25%
3 Units	20	12%
4 Units	22	13%
5 Units	5	3%
6 Units	12	7%
7 Units	4	2%
8 Units	3	1%
9 Units	1	0.6%
10 Units	0	n/a
11-15 Units	3	1%
16 or More Units	1	.6%

ELLIS RELOCATION BENEFITS

Berkeley	\$18,533 for all households \$6,177 additional for any household with disabled, elderly, low-income, long-term or tenant with minor child
San Francisco	Up to \$1,660.89 per tenant (\$30,480.00 max per household) Add up to \$7,142.95 for each elderly or disabled tenant
Santa Monica	Studio \$19,100 (\$19,950 for disabled, elderly, family with minor) 1 Bedroom \$26,350 (\$28,100 for disabled, elderly, family with minor) 2+ Bedrooms \$36,600 (\$39,000 for disabled, elderly, family with minor)
West Hollywood	Studio \$7,940 1 Bedroom \$11,470 2 Bedroom \$15,311 3+ Bedrooms \$20,471 Disabled/elderly/terminally ill/moderate income or minor child – \$21,555 Low-income \$28,133



Rent Stabilization Board

MEMORANDUM

DATE: September 18, 2024

TO: Honorable Members of the Eviction/Section 8/Foreclosure Committee

FROM: Ollie Ehlinger, Staff Attorney
Jen Fabish, Community Services Specialist

SUBJECT: Owner Move-in Eviction Tracking Report (July 2021– June 2024)

BACKGROUND

I. Measure Y

In November 2000, in response to a rash of owner-move-in evictions, Berkeley voters adopted Measure Y as an amendment to the Rent Stabilization and Eviction for Good Cause Ordinance. Known as Berkeley’s owner move-in (OMI) law, Measure Y was subsequently codified under Berkeley Municipal Code (B.M.C.) Section 13.76.130A.9. It allowed property owners to evict tenants so that the owner or qualifying relatives could move into rental units, but placed restrictions and conditions on such evictions.¹ In addition, property owners who evicted tenant households that qualified as low income were required to pay \$4,500 relocation assistance prior to the tenants relinquishing possession of their rental units.

After an owner move-in eviction, the rental rate for the next tenancy established in the vacant unit cannot exceed the lawful apparent rent ceiling that applied to the former tenancy. (Rent Board Reg. 1016). Furthermore, the evicted tenant/s have the opportunity move back into the unit if they expressed an interest in doing so at the time of the eviction. (B.M.C. 13.76.130A9.o.)

¹Under B.M.C. 13.76.130A.9b., an owner could evict a tenant so that the owner, or his/her spouse, child, or parent could occupancy in a rental unit. The owner or relative must have intended to live in the unit for 36 continuous months. Additionally, with few exceptions, property owners could not evict seniors or disabled tenants who have occupied their rental units for five years or more in buildings with four or more units.

II. Measure AA

In November 2016, Berkeley voters passed Measure AA, which amended Measure Y. While many of above-referenced provisions of the owner move-in law remain the same, Measure AA implemented the following substantial changes:

- Property owners who evict tenants for owner move-in purposes must pay a standard relocation fee to all tenant households where at least one occupant has resided in the unit for more than one year.²
- Qualifying low-income, disabled, elderly, families with minor children, or those tenancies that began prior to 1999 are eligible to receive an additional relocation assistance payment.³
- Families with minor children are protected from being evicted during the school year.
- A City or Rent Board hearing examiner can adjudicate disputes regarding a tenant's entitlement to the additional relocation assistance.

Finally, as under Measure Y, Measure AA requires that “. . . at least twice annually, Rent Board Staff shall report to the Rent Board regarding the occupancy status of units possession of which has been recovered . . . within the prior thirty-six months.” (B.M.C. 13.76.130A9.r.)

² The 2024 standard relocation assistance amount is \$18,533, and may be increased each year by the percentage increase in the Consumer Price 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.

³ The current additional relocation assistance amount is \$6,177, which may also be adjusted each year as described above.

OMI REPORT: July 1, 2021-June 30, 2024

STAFF MONITORING

To ensure that tenant protections are not violated, Rent Board staff endeavor to contact occupants living in units that have received OMI eviction notices at least once every six months. Staff typically send a letter to select units notifying the occupant of the rent ceiling that would apply if they are a tenant rather than the owner or qualified family member (Attachment 1). Staff also research information in our database and county ownership records to ensure that residency information is correct. Additionally, staff typically conduct focused site visits to try to ascertain residency when there is a question as to whether the owner or family member actually lives in the unit after an OMI notice is sent.

When staff receives information that a new tenant may be living in a rental unit following an OMI eviction, staff may contact the owner and/or tenant to ascertain the facts and circumstances pertaining to this occupancy. Staff will often provide counseling to both the owner and tenant when appropriate regarding the proper rent ceilings for that unit. Additionally, when appropriate, staff will attempt to contact tenant households displaced from a rental unit due to an OMI notice to explain the options, rights and remedies that may be available if it appears that the Ordinance has been violated.

COVID-19 SHELTER-IN-PLACE & EVICTION MORATORIUM

Due to the COVID-19 pandemic, the City of Berkeley declared a local State of Emergency on March 3, 2020. On March 16, 2020, the City of Berkeley Public Health Officer issued a Shelter-in-Place Order, and has subsequently issued a number of Health Orders aimed at reducing the spread of COVID-19. On March 17, 2020, the City of Berkeley passed the COVID-19 Emergency Response Ordinance that placed a moratorium on most evictions, including OMI evictions through April 2023. (B.M.C 13.110.) Starting May 1, 2023 and lasting until the COVID eviction moratorium's ultimate expiration on August 31, 2023, certain owner move-in evictions were permitted. During this "transition" period of the moratorium, owners who owned only one rental property in Berkeley were permitted to initiate an owner move-in eviction. However, the Rent Board did not receive any owner move-in requests during the "transition" period of the moratorium.

OMI NOTICES AND RELOCATION ASSISTANCE PAYMENTS

Notices Filed with the Rent Stabilization Board

Between July 1, 2021 and June 30, 2024, three OMI eviction notices were filed on the same unit at a fourplex property, two of which were rescinded because they were served while Berkeley's eviction moratorium was still in effect. A tenant at a duplex property also received a notice.

Unit designation	Number of notices sent	Unit currently tenant-occupied
Single family home	0	0
Duplex	1	0
Triplex	0	0
Fourplex	3	3

Unit designation	Number of notices sent	Unit currently tenant-occupied
Five units & more	0	0

Three of the notices were for owner-move-in, and one was for a qualifying relative move-in.

Relocation Assistance

Two notices from this reporting period were rescinded and any relocation assistance payments deposited with the Rent Board were refunded to the owner. The owner filed a third notice on the same unit and deposited with the Rent Board both the standard and additional relocation assistance payments, but both are pending. In another case, the tenant received the standard and additional relocation payment.

Claims for Additional Relocation Payment	
Grounds	Number of Claims
Minor Child	0
Disabled	0
Low Income	2
60 or more years old	2
Long-term Tenant	0

The number of grounds in the table above may exceed the number of notices for the reporting period because tenants can claim multiple grounds.

NARRATIVE DATA FROM STAFF RESEARCH

Single Family Homes – There were no OMI notices served on single-family homes during the current reporting period.

Duplexes – A tenant at one duplex property received a notice. The unit has been updated to the rent-free occupant exemption in the online rent registry, but staff have not yet verified that the designated family member has moved in. This property is eligible for the owner-occupied duplex exemption if it becomes owner-occupied; the OMI notice was for a qualified family member.

Triplexes – There were no OMI notices served on triplex properties during the current reporting period.

Fourplexes – Three notices were served on the same unit during the current reporting period. Two were served during Berkeley’s eviction moratorium and were rescinded. The one post-moratorium notice appears to be defective. Staff have counseled both parties, and the tenant, who is represented, is still in the unit. The owner has told staff he’s rescinded the third notice, but has not sent written proof, and the relocation funds remain in escrow.

Five or more units – There were no OMI notices served on properties with five or more units during the current reporting period.

OWNERSHIP HISTORY PRIOR TO OMI FILING

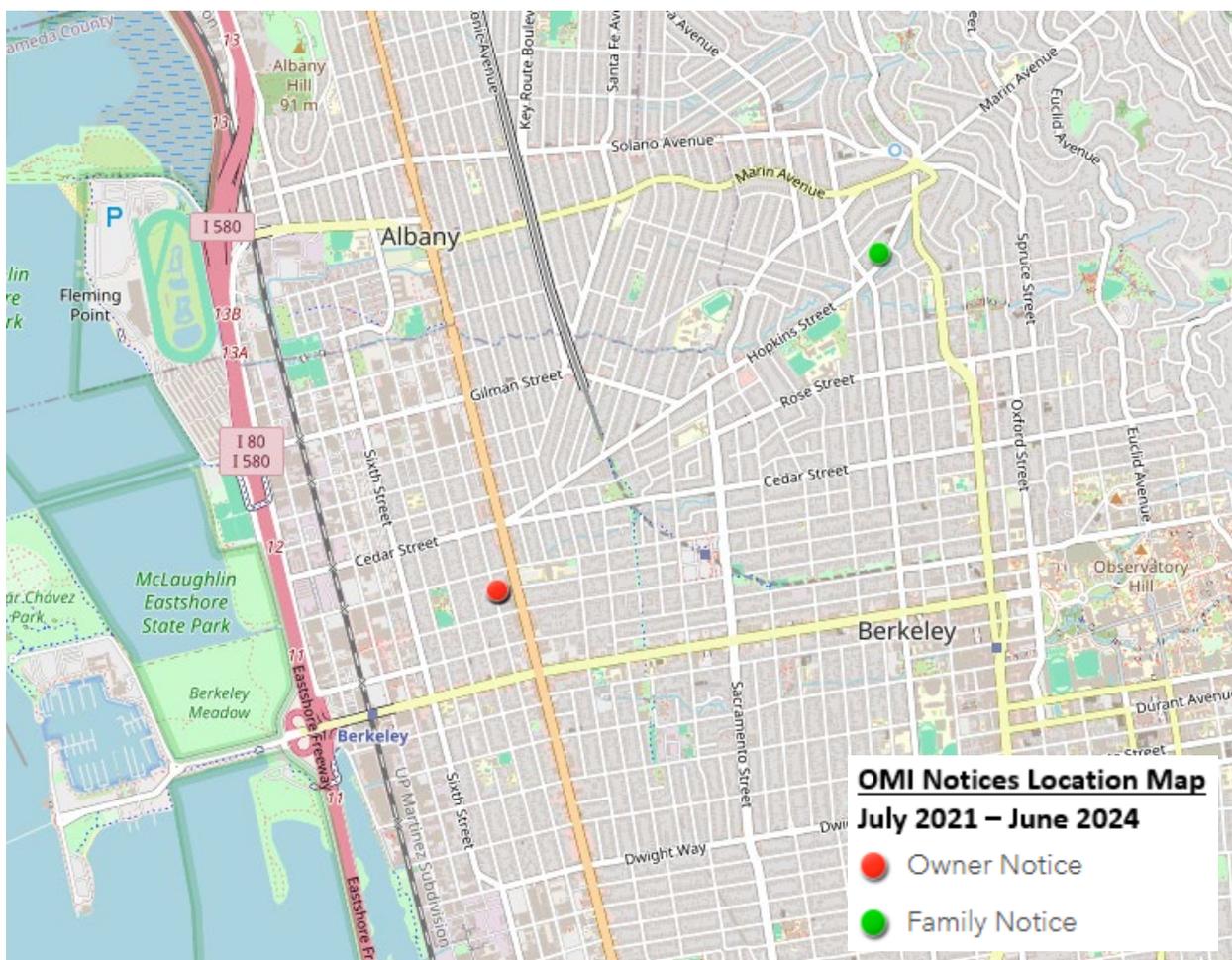
Previously, the committee requested data showing how long a landlord owned the property prior to filing an OMI notice.⁴

Ownership Prior to Notice	Number of Properties
less than 1 year	2
Between 1 and 2 years	1
2 to 5 years	0
5 to 10 years	0
More than 10 years	1

LOCATION OF OMI PROPERTIES

General Distribution

The map below shows the general distribution of OMI notices for the current reporting period. Note: Three notices were served on the same unit: two owner notices in 2021 that were rescinded due to the eviction moratorium, and one owner notice in 2023. These symbols overlap on the map and appear as one marker.



⁴ When the data includes title transfers, we used the time between the transfer date and the notice of eviction.

Geographic Location and Market Area

The table below typically shows the geographic location and market area of properties that received an OMI Notice in the last six months of the current reporting period. However, no such notices were received. Attachment 2 shows the geographic location and market area for all properties subject to OMI notices during the current reporting period.

Date filed	Street	Market Area
N/A	N/A	N/A

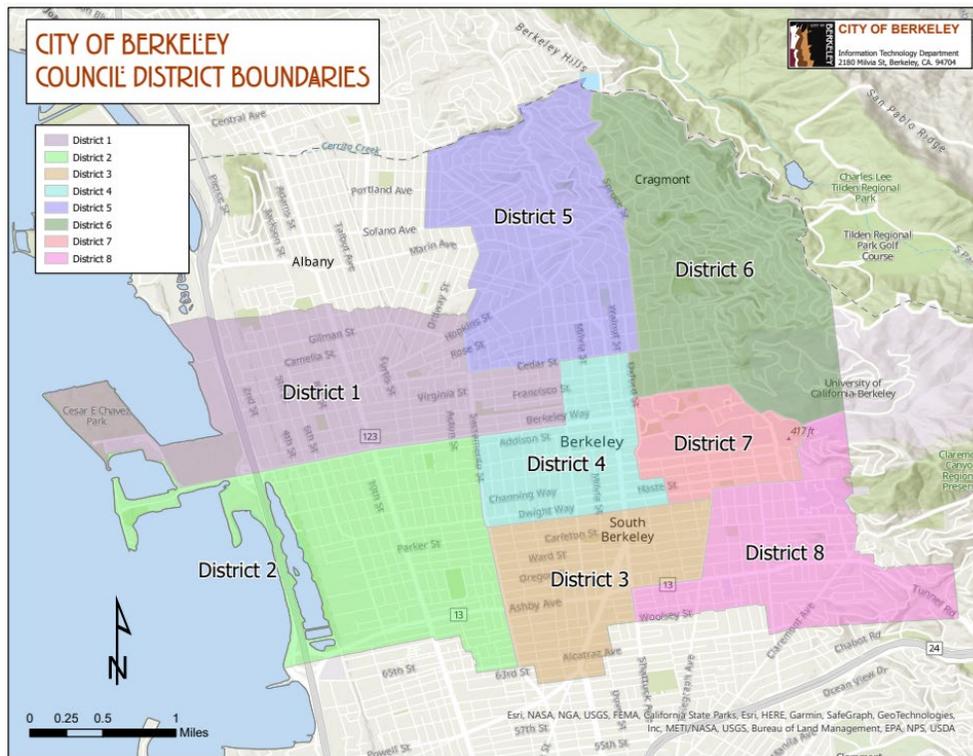
City of Berkeley Census Tract Map & Market Areas



Number of OMI Notices by Council District

At its April 13, 2017 meeting, the Committee requested information about the number of notices served in each City Council District. The table below summarizes this information for the current reporting period:

Council District	Number of Total Notices	Number of Notices, Last Six Months of Reporting Period
1	3	0
2	0	0
3	0	0
4	0	0
5	1	0
6	0	0
7	0	0
8	0	0



CONCLUSION

During this reporting period (July 1, 2021-June 30, 2024), the Board received a total of four OMI eviction notices. During the initial three-year monitoring period (December 2000 – December 2003), the Board received 110 eviction notices. Historically, after the passage of Measure Y, the number of evictions reported for each three-year period was significantly less than the initial period. This trend can be seen in Attachment 3, which shows, in six-month increments, the number of OMI eviction notices the Board has received since September 2000. The first reporting period in the table reflects only four months (September-December 2000), but during this time, 47 of the 56 evictions occurred during the three months prior to the adoption of Measure Y. While the Board did not track the number of OMI notices received prior to September 2000, it has been reported that the number of notices issued during the period from December 1997 to December 2000 was similar to or greater than the four-month period from September to December 2000, before Measure Y became law.

Although the implementation of Measure Y reduced the displacement of long-term tenants and required some relocation assistance for the most vulnerable displaced tenants, as housing prices and rents increased dramatically in recent years, so did the number of OMI evictions. The number of OMI evictions started to pick up in early-2014 (e.g., there were 19 OMI notices filed from January – June 2014). Between 2014 and 2016, there were 78 notices filed.

In November 2016, Berkeley voters passed Measure AA, which requires a standard relocation payment to all households and an additional payment if a member of the evicted household is elderly, disabled, a long-term tenant, low income, or if there is a minor child in the household.

The City's COVID-19 Emergency Response Ordinance, passed in March 2020, placed a

moratorium on evictions, including OMI evictions. Two notices were filed in 2021 despite the moratorium and were subsequently rescinded. From May 1, 2023 through August 31, 2023, the moratorium was amended to allow the owner of a single rental property in Berkeley to perform an owner move-in eviction, but no notices were filed during that period. Since the expiration of the moratorium on August 31, 2023, two notices have been filed. No new notices were filed in the last six months of the current reporting period.

Attachment 1: Sample of letter sent to select rental units that received an OMI eviction notice for the period of July 2021 – June 2024.

Attachment 2: Table reflecting geographic location and market area of properties subject to OMI notices for the period of July 2021 – June 2024.

Attachment 3: Table of OMI notices filed with the Rent Board for the period of September 2000 through June 2024.

ATTACHMENT 1

Sample of Letter Sent to Select Units that Received OMI Notices



Rent Stabilization Board

August 7, 2024

Current Occupant/ [REDACTED]

[REDACTED]
Berkeley, CA 94710

RE: Owner Move-in eviction at [REDACTED]

Dear Occupant:

Our records indicate that a prior tenant in your unit was evicted so that the unit could be occupied by the owner or a close relative of the owner. Berkeley Municipal Code section 13.76.130.A(9)(p) requires the Rent Board to monitor your unit for three years to ensure that the unit is, in fact, occupied by the owner or a relative of the owner. Therefore, you will receive a letter like this once every six months during this three-year period. If you are the owner or a *non-rent* paying parent, spouse, domestic partner, or child of the owner, it is not necessary for you to respond to this letter.

If you are not the owner and are paying rent, your rent should not exceed:

\$893.81

If you are paying rent in excess of this amount, you should contact me at (510) 981-4924. Also, Rent Board Counselors are available to explain your rights and options, including the procedure for recovering any rent overcharges you have paid. An explanation of your rights may also be found on the Rent Board's web site: rentboard.berkeleyca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ollie Ehlinger". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ollie Ehlinger
Staff Attorney

ATTACHMENT 2

Geographic Location and Market Area of Properties Subject to OMI Notices Included in the Current Reporting Period

Date filed	Street	Market Area
8/17/2021	1725 10 th St.	West Berkeley (Area 4)
10/8/2021	1725 10 th St.	West Berkeley (Area 4)
12/13/2024	1929 Hopkins St.	North Berkeley (Area 1)
12/21/2023	1725 10 th St.	West Berkeley (Area 4)

ATTACHMENT 3

OMI Eviction Notices Filed with the Berkeley Rent Board

Date of Eviction Notice	Number of Notices Received
September – December 2000 *(only four months)	56
January – June 2001	32
July – December 2001	21
January – June 2002	17
July – December 2002	9
January – June 2003	13
July – December 2003	10
January – June 2004	14
July – December 2004	5
January – June 2005	16
July – December 2005	6
January – June 2006	10
July – December 2006	1
January – June 2007	7
July – December 2007	2
January – June 2008	1
July – December 2008	7
January – June 2009	7
July – December 2009	7
January – June 2010	6
July – December 2010	3
January – June 2011	6
July – December 2011	2
January – June 2012	5
July – December 2012	5
January – June 2013	10
July – December 2013	3
January-June 2014	19
July – December 2014	8
January – June 2015	16
July – December 2015	10

January- June 2016	17
July-December 2016	8
January-June 2017	15
July-December 2017	4
January – June 2018	6
July-December 2018	3
January-June 2019	12
July – December 2019	2
January – June 2020*	0
July – December 2020*	0
January – June 2021*	0
July – December 2021**	2
January – June 2022*	0
July – December 2022*	0
January-June 2023***	0
July – December 2023****	2
January – June 2024	0
Total Notices Filed	405

* Due to the COVID-19 pandemic, on March 17, 2020, the City of Berkeley passed an Urgency Ordinance placing a moratorium on evictions in most cases, including OMI evictions.

**Two notices were served on the same property during this period despite the eviction moratorium. They were rescinded.

*** From May 1, 2023 through August 31, 2023, the eviction moratorium was amended to allow the owner of a single rental property in Berkeley to perform an owner move-in eviction.

****Berkeley’s eviction moratorium expired on August 31, 2023.