

**RENT STABILIZATION BOARD**  
**Regular Meeting**  
**Thursday, May 15, 2025 – 7:00 p.m.**  
**School District Board Room – 1231 Addison 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/82673809589?pwd=AghQhOkOTSC3k12hDsqIxxgiso6kYXh.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: 826 7380 9589 and Passcode: 244637. 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](mailto: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.**

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

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



**COMMUNICATION ACCESS INFORMATION:**

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

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

**RENT STABILIZATION BOARD**  
**Regular Meeting**  
**Thursday, May 15, 2025**  
**7:00 p.m.**  
**School District Board Room – 1231 Addison Street, Berkeley, CA**

<b>AGENDA</b>
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\*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. **Approval of Agenda** – 1 min.\*
3. **Land Acknowledgment Statement**: The Berkeley Rent Stabilization Board recognizes that the rental housing units we regulate are built on the territory of xučyun (Huchiun- (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley’s landlords and tenants have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley’s incorporation in 1878 and since the Rent Stabilization Board’s creation in 1980. As stewards of the laws regulating rental housing, it is not only vital that we recognize the history of this land but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. – 2 min.\*
4. **Public Comment** – 2 min.\*
5. **Public Comment for Unions representing Rent Board staff** – 5 min.\*
6. **CONSENT ITEMS** – 1 min.\*
  - a. Approval of the April 17<sup>th</sup> regular meeting minutes – TO BE DELIVERED
  - b. Proposal to approve staff recommendations on the following requests for waivers of late registration penalties (Registration Unit Manager/Staff)

**Ministerial Waivers**

Property Address

2370 Marin Ave  
1639 San Pablo Ave

1931 San Pablo Ave  
1092 Dwight Way  
1818 Alcatraz Ave  
803 Alvarado Rd  
2501 Dana St #5  
2109 Byron St  
2942 Hillegass Ave  
3224 Sacramento St  
1522 Alcatraz Ave  
1349 Channing Way

**Discretionary Waivers**

<u>Waiver No.</u>	<u>Property Address</u>
W5151	1850 Arch St
W5152	1862 Arch St
W5153	2230 Blake St

**7. ACTION ITEMS**

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

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

a. Chair Update (Chair Alpert):

- (1) Discussion and possible action on the impact of the Measure BB Fee structure on non-profit affordable housing (Chair Alpert & Vice-Chair Walker) – 10 min.\*
- (2) Discussion and possible action on the new Accessory Dwelling Unit (ADU)-Condo Conversion rules chapter in Title 21 (Senior Planner Lief Bursell & City of Berkeley Planning Staff) – 15 min.\*

b. SPECIAL PRESENTATION: Spring Legislative Update (Brian Augusta, Rent Board Legislative Advocate) – 20 min.\*

- (1) Discussion and possible action for the Board to take a position on state legislative bills discussed at the meeting – 20 min.\*

c. Recommendation to adopt Resolution 25-13 authorizing the Executive Director to execute a contract amendment with 3Di through September 30, 2027, in an amount not to exceed \$712,700 (Executive Director) – 5 min.\*

**8. INFORMATION, ANNOUNCEMENTS AND ARTICLES/MEDIA**

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

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

- a. Copy of Measure BB informational postcards mailed to Berkeley property owners and tenants (Executive Director) – 3 min.\*
- b. Outreach: Rent Board services on City of Berkeley Kiosks (Executive Director) – *Verbal* – 5 min.\*
- c. Copy of Tenant Survey Cover Letter from the Executive Director (Outreach Committee) – 3 min.\*
- d. Board-generated forms for tenants to use when creating Tenant Associations under B.M.C. Section 13.76.135 (LIRA Committee) – 3 min.\*
- e. Deadline to submit agenda items/topics for the June regular Rent Board meeting: **Friday, June 6<sup>th</sup> by 5:00 p.m.** (Board Secretary)

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

- a. Budget & Personnel Committee (Vice-Chair Walker, Chair) – 5 min.\*  
Next regularly-scheduled meeting: To Be Announced (TBA)

May 1<sup>st</sup> agenda

- b. Climate Resilience & Habitability Committee (Commissioner Martinac, Chair) – 5 min.\*  
Next regularly-scheduled meeting date: TBA

May 5<sup>th</sup> agenda

- c. Eviction/Section 8/Foreclosure Committee (Chair TBA) – 5 min.\*  
Next regularly-scheduled meeting: Tuesday, May 13<sup>th</sup> at 6:00 p.m.

May 13<sup>th</sup> agenda

- d. Legislation, IRA/AGA & Registration Committee (LIRA Committee) (Chair Alpert, Chair) – 5 min.\*  
Next regularly-scheduled meeting: Thursday, June 12<sup>th</sup> at 5:30 p.m.

May 8<sup>th</sup> agenda

- e. Outreach Committee (Commissioner Kelley, Chair) – 5 min.\*  
Next regularly-scheduled meeting: Monday, May 12<sup>th</sup> at 6:30 p.m.

May 12<sup>th</sup> agenda

- f. 2 x 2 Committee on Housing: Rent Board/Berkeley Unified School District  
(Commissioner Marrero, Chair) – 5 min.\*  
Next meeting date: TBA
- g. 4 x 4 Joint Task Force Committee on Housing: City Council/Rent Board – 5  
min.\* (Councilmember Lunaparra & Chair Alpert, Co-Chairs)  
Next regularly-scheduled meeting: TBA
- h. Updates and Announcements – 5 min.\*
- i. Discussion of items for possible placement on future agenda – 5 min.\*

## **10. 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.



Rent Stabilization Board

## RENT STABILIZATION BOARD

DATE: May 15, 2025

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](mailto:rent@cityofberkeley.info) • INTERNET: [www.cityofberkeley.info/rent](http://www.cityofberkeley.info/rent)

**Waiver Recommendations**

**May 15, 2025**

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<b>Waiver</b>	<b>Property Address</b>	<b>Owner</b>	<b>Penalty Assessed</b>	<b>Penalty Waived</b>	<b>Penalty Imposed</b>
	2370 Marin Ave	Stephen Reynolds	\$424.00	\$424.00	\$0.00
	1639 San Pablo Ave	Wang Brothers Investments	\$2,064.00	\$2,064.00	\$0.00
	1931 San Pablo Ave	Ali Kashani	\$5,504.00	\$5,504.00	\$0.00
	1092 Dwight Way	Tahereh Abbaszadeh	\$424.00	\$339.20	\$84.80
	1818 Alcatraz Ave	Daniel Young	\$3,016.00	\$2,412.80	\$603.20
	803 Alvarado Rd	Wendy Chang	\$424.00	\$424.00	\$0.00
	2501 Dana St #5	The Hom Family Trust	\$424.00	\$424.00	\$0.00
	2109 Byron St	Rajalingam Raja	\$2,064.00	\$2,064.00	\$0.00
	2942 Hillegass Ave	Ettefagh Family Trust	\$4,128.00	\$4,128.00	\$0.00
	3224 Sacramento St	Pankaj Dawar	\$4,640.00	\$4,640.00	\$0.00
	1522 Alcatraz Ave	William Ghirardelli Iii	\$424.00	\$424.00	\$0.00
	1349 Channing Way	Shirley Payne	\$424.00	\$339.20	\$84.80
<b>TOTAL</b>			<b>\$23,960.00</b>	<b>\$23,187.20</b>	<b>\$772.80</b>

**Financial Impact: Ministerial Waivers**

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**Waiver Recommendations**

May 15, 2025

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Approval of Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$23,187.20**.

**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.

<b>Waiver</b>	<b>Property Address</b>	<b>Owner</b>	<b>Penalty Assessed</b>	<b>Penalty Waived</b>	<b>Penalty Imposed</b>
W5151	1850 Arch St	Arch Street Village Llc	\$6,880.00	\$6,880.00	\$0.00
W5152	1862 Arch St	Arch Street Village Llc	\$6,880.00	\$5,504.00	\$1,376.00
W5153	2230 Blake St	Chad Shepard	\$2,536.00	\$2,536.00	\$0.00
<b>TOTAL</b>			<b>\$16,296.00</b>	<b>\$14,920.00</b>	<b>\$1,376.00</b>

**Financial Impact: Discretionary Waivers**

Approval of Executive Director’s recommendations will decrease the Board’s current accounts receivable by **\$14,920.00**.

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**Waiver Recommendations**

**May 15, 2025**

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**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

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May Waivers  
Ministerial

Address	Details
2370 Marin Ave	This property is a rented single-family home. The owners have owned it since 1991. The owners stated that they moved and did not receive an invoice for payment. The current renters did not forward the invoice so they were unaware of the balance due. The owners do not have an 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.
1639 San Pablo Ave	This property consists of three rented units and one commercial unit. The owner has owned it since 2023. The owners stated that their office moved and they did not receive an invoice at their new address. In 2024, they submitted registration forms with their updated address. Given the owners do 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.
1931 San Pablo Ave	This property consists of eight rented units. The owner has owned it since 1997. The property manager reports that they started managing this property in August 2024. There was a miscommunication between partners which caused the late payment of the registration fee. The account 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.
1092 Dwight Way	The current owner has owned this rented single-family home since 2015. Before registration, a rent-free tenant occupied the property. The owner reports receiving only the past due invoice, not the initial one. This is the second late payment on the property 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 Alcatraz Ave	This property consists of four rented units. The owner has owned the property since 1996, transferring it to an LLC in 2024. Although a management company oversaw the property since 2023, their failure to maintain registration requirements has led to the owners resuming management. This is the second late payment on the property account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.
803 Alvarado Rd	The current owner has owned this single-family rental home since 2017. The property manager reports that neither they, the owner, nor the tenant received the invoice. This may be because the address on file was not updated after the owner moved. The owner does not have an 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.
2501 Dana St #5	The current owner has owned this rental condo since 2024 and reports not receiving an invoice. The owner does not have an 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.
2109 Byron St	The property consists of three rented units. The owner has owned it since 2020. The owner reports that the delay in payment was not due to carelessness but to significant financial challenges caused by prolonged vacancies and unexpected hospital costs. These circumstances made it difficult for them to meet the payment deadline. The owner does not have an 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

2942 Hillegass Ave	This property consists of six rented units. The owner has owned it since 2016. The owner reports that the payment delay was due to not receiving the invoice. They later discovered that their mailing address was missing the apartment number, which caused the issue. The owner does not have an 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.
3224 Sacramento St	This property consists of three exempt units and one rented unit. The owner, who has owned the property since 2022, reports being unaware of the registration fees as it is their first property. The owner does not have an 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.
1522 Alcatraz Ave	The owner has owned this rented single-family home since 2021. They report the reason for the late payment was due to the invoice being sent to the property address and not their mailing address. The owner does not have an 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.
1349 Channing Way	The owner has owned this rented single-family home since 2017. The owner reports that they relocated and updated their address with the post office. Unfortunately, they did not update their mailing address with the Rent Board and therefore did not receive the invoice for registration fees. This is the second late payment on the property account. Staff recommends waiving 80% of the penalties because this is the second late payment within the prior five years per regulation 884 C.

**Discretionary**

Address	Details
1850 Arch St	The owner and management did not receive the original billing statement or any subsequent notices about fees or accumulated penalties. These fees were not deliberately withheld or avoided and have now been paid since they became aware of the situation. Given the owner's clean payment history, staff recommends waiving all penalties. (Regulation 884 B.2)
1862 Arch St	The owner and management did not receive the original billing statement or any subsequent notices about fees or accumulated penalties. These fees were not deliberately withheld or avoided and have now been paid since they became aware of the situation. Due to the current owner's ownership since 2019 and this being the second late payment on the account, staff recommends waiving 80% of the penalties. (Regulation 884 B.2)
2230 Blake St	The owner's illness limited their resources to pay the registration fees. Staff recommends granting a full waiver of the penalties due to the owner's hardship. (Regulation 884 B.1)

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No: W5151</b>	<b>Property address: 1850 ARCH ST BERKELEY CA 94709</b>	<b>Transferred: 09/30/2019</b>
<b>Exempt units (as of February 2021):</b> Unit # 5A - OWNUSE -		
<b>Owner(s): ARCH STREET VILLAGE LLC</b>	<b>Waiver filed by: Property Manager</b>	<b># of Units: 11</b>
<b>Other Berkeley rental property owned: 1862 ARCH ST BERKELEY CA 94709</b>		
<b>Late payment/penalty history: 2024-2025 Registration Year</b>		

Registration Date or Year	Units Requiring Registration at That	Registration Fees Paid	Date Fees Paid	Penalties Charged	Penalties Forgiven	Penalties Paid
FY2024-25	ALL	\$3,440.00	02/28/2025	\$6,880.00	\$0.00	\$0.00
<b>Totals (penalties previously assessed)</b>				\$6,880.00	\$0.00	\$6,880.00

**Penalties Currently Under Consideration**

<b>Reason for Penalties:</b> 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	11	\$3,440.00	02/28/2025	\$6,880.00	\$0.00	\$6,880.00
<b>Total</b>				\$6,880.00	\$0.00	\$6,880.00

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

**Good cause claimed by owner:** The owner and management did not receive the original billing statement or any subsequent notices about fees or accumulated penalties. These fees were not deliberately withheld or avoided and have now been paid since they became aware of the situation.

**Recommendation:** Staff recommends waiving 100% of the penalties.

**Staff Analysis:** Given the owner's clean payment history, staff recommends waiving all penalties.

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No: W5152</b>	<b>Property address:</b> 1862 ARCH ST BERKELEY CA 94709	<b>Transferred:</b> 09/30/2019
<b>Exempt units (as of February 2021):</b> None		
<b>Owner(s):</b> ARCH STREET VILLAGE LLC	<b>Waiver filed by:</b> Property Manager	<b># of Units:</b> 10
<b>Other Berkeley rental property owned:</b> 1850 ARCH ST BERKELEY CA 94709		
<b>Late payment/penalty history:</b> 2022-2023 Registration Year and 2024-2025 Registration Year		

Registration Date or Year	Units Requiring Registration at That	Registration Fees Paid	Date Fees Paid	Penalties Charged	Penalties Forgiven	Penalties Paid
FY2024-25	ALL	\$3,440.00	02/28/2025	\$6,880.00	\$0.00	\$0.00
FY2022-23	ALL	\$2,500.00	07/16/2022	\$2,500.00	\$2,500.00	\$0.00
<b>Totals (penalties previously assessed)</b>				\$6,880.00	\$0.00	\$6,880.00

**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	10	\$3,440.00	02/28/2025	\$6,880.00	\$0.00	\$6,880.00
<b>Total</b>				\$6,880.00	\$0.00	\$6,880.00

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

**Good cause claimed by owner:** The owner and management did not receive the original billing statement or any subsequent notices about fees or accumulated penalties. These fees were not deliberately withheld or avoided and have now been paid since they became aware of the situation.

**Recommendation:** Staff recommends waiving 80% of the penalties.

**Staff Analysis:** Due to the current owner's ownership since 2019 and this being the second late payment on the account, staff recommends waiving 80% of the penalties.

**City Of Berkeley  
Rent Stabilization Board**

**Recommendation on Requested Waiver of Registration Penalties**

<b>Waiver No: W5153</b>	<b>Property address: 2230 BLAKE ST BERKELEY CA 94704</b>	<b>Transferred: 02/09/2018</b>
<b>Exempt units (as of February 2021):</b> Unit # REAR - OCCC -		
<b>Owner(s): CHAD SHEPARD</b>	<b>Waiver filed by: Property Owner</b>	<b># of Units: 3</b>
<b>Other Berkeley rental property owned: None</b>		
<b>Late payment/penalty history: 2023-2024, and 2024-2025 registration year</b>		

Registration Date or Year	Units Requiring Registration at That	Registration Fees Paid	Date Fees Paid	Penalties Charged	Penalties Forgiven	Penalties Paid
FY2024-25	ALL	\$688.00	02/27/2025	\$1,376.00	\$0.00	\$0.00
FY2023-24	ALL	\$580.00	02/27/2025	\$1,160.00	\$0.00	\$0.00
<b>Totals (penalties previously assessed)</b>				\$2,536.00	\$0.00	\$2,536.00

**Penalties Currently Under Consideration**

**Reason for Penalties:** Late payment of registration fees

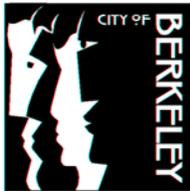
Registration Date or Year	Unit(s) Registered Late At This Time	Registration Fees Paid	Date Fees Paid	Penalties Charged	Penalties Forgiven	Penalties Due
FY2024-25	3	\$688.00	02/27/2025	\$1,376.00	\$0.00	\$1,376.00
FY2023-24	3	\$580.00	02/27/2025	\$1,160.00	\$0.00	\$1,160.00
<b>Total</b>				\$2,536.00	\$0.00	\$2,536.00

**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:** The owner's illness limited their resources to pay the registration fees.

**Recommendation:** Staff recommends waiving 100% of the penalties

**Staff Analysis:** Staff recommends granting a full waiver of the penalties due to the owner's hardship.



**Rent Stabilization Board  
Planning Unit**

DATE: May 15, 2025

TO: Honorable Members of the Rent Stabilization Board

FROM: Lief Bursell, Senior Planner  
Katrina Lapira, Associate Planner

SUBJECT: Amendments to Title 21 (Subdivisions) to Allow Separate Sale of ADUs as Condominiums Pursuant to AB 1033

**Recommendation**

That the Board review proposed amendments to Title 21 (Subdivisions) that would allow separate sale of ADUs as condominiums and make a recommendation to the City Council on the tenant protections included in these amendments.

**Background and Need for Rent Stabilization Board Action**

On May 14, 2024, the Berkeley City Council passed a referral (Attachment 2) to the City Manager, asking the City of Berkeley to implement AB 1033, which allows Accessory Dwelling Units (ADUs) to be sold separately from the primary unit(s), thereby allowing ADUs to be either converted to, or constructed as condominiums.

Planning Department staff met with Rent Board staff early in February of 2025 to discuss AB 1033, and to better understand how the Rent Stabilization Ordinance impacts ADUs and their potential conversion into Condominiums. The discussion was then moved to the City of Berkeley Planning Commission, which received an informational report on AB 1033 implementation at its meeting on March 5, 2025. At that meeting, the Planning Commission directed staff to prepare an ordinance that permits separate sales of ADUs as condominiums and to treat ADU conversions differently than typical condominium conversions regulated under Berkeley's existing Condominium Conversion Ordinance. (BMC Chapter 21.28).

At its May 7, 2025, meeting, the Planning Commission received a report from Planning Staff (Attachment 1) recommending the creation of a new ADU Condominium Ordinance (BMC Chapter 21.29). Planning staff's recommendation does not include condominium conversion affordable housing mitigation fee from BMC. 21.28, or the elected rent ceiling limitations that allows existing tenants to maintain rent increase protections after conversion, but it does maintain the prohibition on owner move-in evictions and the first right of refusal for tenants in fully covered or partially-covered

May 15, 2025

ADUs, as well as for long-term tenants in fully-exempt ADUs that have occupied their rental unit for at least twelve (12) consecutive months.

### *Planning Commission Action*

On May 7, 2025, the Planning Commission took action to recommend an amended version of the ADU Conversion Ordinance to the City Council. The most significant change was to remove the language that gave owner move-in prohibition and first right of refusal to long-term tenants in fully exempt ADUs, if the tenants had occupied their rental unit for at least twelve (12) consecutive months. Below is the tenant protection language that was removed from the draft ordinance -

***Removed language - Exempt ADUs with Long Term Tenancy.*** *If the ADU is exempt from rent-ceiling coverage under BMC 13.76.050.1-1 but the current tenant has occupied the unit for twelve 12 consecutive months or more:*

- a. *A tenant in an ADU shall have a continued right to occupy the ADU after a conversion, pursuant to Section 21.28.090(C)(4)*
- b. *The tenant shall be given a right of first refusal to purchase the ADU condominium on terms defined under BMC 21.29.020*

The Planning Commission is only recommending these protections apply to tenants in ADUs that are covered by the Rent Stabilization Ordinance. Below is the tenant protection language that was included in the recommendation to City Council -

***Included language: Covered Rental ADUs.*** *If the ADU is a covered rental unit under BMC Chapter 13.76 (Rent Stabilization Ordinance), the tenant protections of Chapter 21.28 shall apply in full, including:*

- a. *A tenant in an ADU shall have a continued right to occupy the ADU after a conversion, pursuant to Section 21.28.090(C)(4)*
- b. *A tenant in an ADU shall have an exclusive right to purchase the unit, pursuant to Section 21.28.030(C) and 21.28.090(C)(2).*

In terms of next steps, the draft amendments to Title 21 are tentatively scheduled to be presented at the City Council meeting on July 29, 2025.

### **Issues & Analysis: Increasing Tenant Protections**

Staff recommend that the Board consider, in its recommendation to City Council, the following changes to strengthen the tenant protections in the proposed amendments:

- **Conditions of Approval** - Inclusion of conditions of approval from BMC Chapter 21.28 that prevent conversion of ADUs after no-fault evictions; and the extension of tenant protections to all tenant occupied units regardless of their coverage status under the Rent Ordinance.

May 15, 2025

- ADU Definition - Staff are concerned that owners of secondary units that were built as full dwelling units (including some old in-law units and cottages), which could currently convert to condominiums under BMC Chapter 21.28, will try to convert to condominiums as ADUs to avoid paying the affordable housing mitigation fee. A potential solution is to add that these amendments apply only to ADUs constructed after 2003 when the ADU requirements were first added as a separate chapter in the Zoning Ordinance. Another possible solution is to limit the conversions of ADUs to those that were created after June 1, 1980. The 1980 date will help ensure that secondary units that are part of Berkeley's older, more likely rent-controlled, housing stock are subject to all the requirements of BMC Chapter 21.28 and cannot convert to condominiums without paying the affordable housing mitigation fee.

### **Financial Impact**

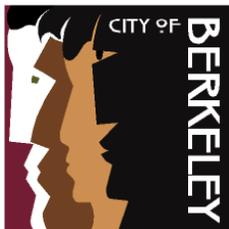
The Rent Board collects a condominium conversion review fee of \$120 per unit for condominium conversion applications under BMC Chapter 21.28. This fee is paid for Rent Board staff to review the application, the eviction history for each unit and provide tenants with information and counseling on the applicable tenant protections from that ordinance. A similar review process and review fee would be necessary if any of the tenant protections from BMC Chapter 21.28 were extended to tenants of ADUs proposed for condominium conversion.

### **Attachments**

- Attachment 1: May 7, 2025 – Planning Commission Staff Report
- Attachment 2: May 14, 2024 - AB 1033 – Council Referral

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

Lief Bursell, Senior Planner (510) 981-7368



Planning and Development Department  
Land Use Planning Division

## STAFF REPORT

DATE: May 7, 2025  
To: Members of the Planning Commission  
From: Branka Tatarevic, Associate Planner  
Subject: Amendments to Title 21 (Subdivisions) to allow separate sale of ADUs as condominiums pursuant to AB 1033

### RECOMMENDATION:

Receive public comment, and upon conclusion, make a recommendation to the City Council to adopt proposed amendments to Title 21 (Subdivisions Ordinance) to implement Assembly Bill (AB) 1033 by establishing local regulations for the separate sale of ADUs as condominiums (see **Attachment 1**).

### BACKGROUND AND DISCUSSION:

The proposed amendments to the Subdivision Ordinance respond to a May 2024 City Council referral (**Attachment 2**) to implement AB 1033, which enables the separate sale of ADUs by eliminating restrictions on their sale. The referral highlighted the potential of ADU condominiums to expand homeownership opportunities for moderate-income households, help existing homeowners build equity, and increase the supply of naturally affordable housing in the city.

At its March 5, 2025 meeting, the Planning Commission received an informational report from staff regarding AB 1033 implementation and directed staff to prepare an ordinance (see **Attachment 3**) that permits separate sale of ADUs as condominiums. Currently, condominium conversions are regulated in BMC Chapter 21.28 (Condominiums and Other Common Interest Subdivisions). The Planning Commission provided direction that would treat ADU condominiums differently than typical condominiums. The proposed ordinance reflects the following policy direction:

- **Condominium Conversion Mitigation Fee:** The proposed ordinance does not include the Condominium Conversion Mitigation Fee for ADU condominiums. The Commission felt the fee was unnecessary given the small scale of likely

ADU condominium projects and the potential benefits of affordable homeownership opportunities from ADU condominiums.

- **Tenant Protections:** The Commission affirmed the importance of maintaining tenant protections consistent with existing Chapter 21.28 requirements, including notice provisions and the right to remain in a unit after conversion.

Under the Berkeley Rent Stabilization Ordinance (BMC 13.76), ADUs fall into two rent-ordinance categories, which in turn determine which tenant protections apply upon conversion:

Rent-Ordinance Status	Description	Tenant Protections
Covered Rental ADU	An ADU on a parcel with a multifamily building, once the initial rent is established.	<ul style="list-style-type: none"> <li>• Right of first refusal (1 year);</li> <li>• Right to remain after conversion.</li> </ul>
Exempt ADU	A parcel with a single-family dwelling plus a single ADU is treated as a “single-family” property, so both units are exempt.	<ul style="list-style-type: none"> <li>• None.</li> </ul>

For purposes of the ADU Condominium ordinance, any Covered Rental ADU remains subject to the tenant-protection provisions of BMC Chapter 21.28, specifically the tenant’s right to remain in the unit after conversion (BMC 21.28.090(C)(4)).

The Planning Commission’s direction from their March 5, 2025 meeting included extending tenant protections to Exempt ADUs. To address that direction, the proposed ordinance includes a provision which would extend the right to remain to an Exempt ADU, as long as it has been occupied by the same tenant for at least 12 consecutive months.

- **Right of First Refusal:** The Planning Commission also considered whether an ordinance implementing AB 1033 should include a right of first refusal for tenants occupying an ADU proposed for separate sale as a condominium. Commissioners generally agreed that such a right is an important tenant protection and should be included. While Berkeley’s existing Condominium Conversion Ordinance provides tenants one year to exercise their right of first refusal, some Commissioners noted that a shorter timeframe may be more appropriate for ADU condominium conversions, given their smaller scale and the potential for quicker transactions. No formal motion was made to modify the timeline, and the proposed ordinance refers to the existing one-year requirement

(BMC 21.28.030(C) and 21.28.090(C)(2)) for covered rental ADUs.

The proposed ordinance includes an "Exclusive Right to Purchase an ADU Condominium Unit," defined in the new BMC Section 21.29.020, which provides a tenant of an Exempt ADU 180 days to exercise their right to purchase the unit. The "Exclusive Right to Purchase an ADU Condominium Unit" would apply to any Exempt ADU, as long as it has been occupied by the same tenant for at least 12 consecutive months.

The Planning Commission also has the option of applying the 180 day Exclusive Right to Purchase timeline to all ADU conversions.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed amendments do not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendments would in no way have a significant effect on the environment, and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

### **NEXT STEPS AND RECOMMENDATION**

Staff recommends that the Planning Commission receive public comment, discuss the proposed ordinance amendments, and forward a recommendation to the City Council to adopt the amendments, including any modifications identified through Commission discussion and action.

#### Attachments:

1. Planning Commission Resolution and ADU Condominium Ordinance, Title 21.
2. *Increasing Entry Level Homeownership Opportunities: Implementation of AB 1033 to Allow Accessory Dwelling Units (ADUs) To Be Sold Separately*, City Council Referral, May 14, 2024.
3. Planning Commission Staff Report, March 5, 2025.

**ATTACHMENT 1**

**PLANNING COMMISSION  
RESOLUTION NO. 2025-04**

**A RESOLUTION OF THE CITY OF BERKELEY PLANNING COMMISSION  
RECOMMENDING THE CITY COUNCIL ADOPT PROPOSED AMENDMENTS TO TITLE 21  
(SUBDIVISIONS) TO ALLOW SEPARATE SALE OF ADUS AS CONDOMINIUMS  
PURSUANT TO ASSEMBLY BILL 1033**

**WHEREAS**, the City of Berkeley's Subdivision Ordinance (Title 21 of the Berkeley Municipal Code) regulates development on and subdivision of land; and

**WHEREAS**, the State of California has adopted several laws to facilitate the development of ADUs, including Assembly Bill 1033 (2023); and

**WHEREAS**, Assembly Bill 1033 authorizes local agencies to adopt ordinances that allow the separate sale of ADUs as condominiums; and

**WHEREAS**, on May 7, 2025 the Planning Commission held a public meeting and considered all public comments received, the presentation by City staff and the staff report, and all other pertinent documents regarding the proposed request; and

**WHEREAS**, the proposed amendments to Title 21 incorporate direction provided by the Planning Commission; and

**WHEREAS**, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California; and

**WHEREAS**, the proposed amendments would have no adverse effect on the environment, as they do not affect the physical environment but only allow a change in the tenure of an existing building, and are thereby exempt from CEQA under CEQA Guidelines Section 15061(b)(3).

**NOW, THEREFORE, IT BE RESOLVED** that the Planning Commission does hereby recommend to the City Council of the City of Berkeley to add Section 21.29 to Title 21 of the Berkeley Municipal Code, as contained in **Exhibit A**, attached hereto and hereby incorporated by reference; and be it further

**I HEREBY CERTIFY** the foregoing resolution was passed and adopted by the Planning Commission of the City of Berkeley, at a regular meeting thereof, held on the 7th day of May 2025, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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**Justin Horner**  
**SECRETARY TO THE PLANNING COMMISSION**

Exhibit A: Ordinance

**EXHIBIT A**

ORDINANCE NO. -N.S.

**TO ADD BERKELEY MUNICIPAL CODE CHAPTER 21.29:  
ACCESSORY DWELLING UNIT CONDOMINIUM SUBDIVISION**

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 21.29 is added to Title 21 (Subdivisions) to read as follows:

**21.29. Accessory Dwelling Unit Condominium Subdivision**

21.29.010. *Purpose and Applicability.*

- A. This Chapter establishes regulations and procedures for the subdivision of property to allow separate ownership of Accessory Dwelling Units (ADUs) from other buildings on the same lot in the City of Berkeley. It implements California Government Code Section 66342, which authorizes local ordinances permitting ADUs to be conveyed as condominiums
- B. This Chapter applies to all lots that contain (or will contain) one or more ADUs constructed in compliance with BMC Chapter 23.306 (Accessory Dwelling Units).
- C. Notwithstanding any other provision of the Berkeley Municipal Code, an ADU condominium subdivision that conforms to this Chapter and state law may be approved and recorded as provided herein. An ADU condominium subdivision shall not be subject to the provisions of Chapter 21.28, except that:
  - 1) *Covered Rental ADUs.* If the ADU is a covered rental unit under BMC Chapter 13.76 (Rent Stabilization Ordinance), the tenant protections of Chapter 21.28 shall apply in full, including:
    - a. A tenant in an ADU shall have a continued right to occupy the ADU after a conversion, pursuant to [Section 21.28.090\(C\)\(4\)](#)
    - b. A tenant in an ADU shall have an exclusive right to purchase the unit, pursuant to Section 21.28.030(C) and 21.28.090(C)(2).
  - 2) *Exempt ADUs with Long-Term Tenancy.* If the ADU is exempt from rent-ceiling coverage under BMC 13.76.050.I-1 but the current tenant has occupied the unit for twelve (12) consecutive months or more:

- a. A tenant in an ADU shall have a continued right to occupy the ADU after a conversion, pursuant to Section 21.28.090(C)(4);
  - b. the tenant shall be given a right of first refusal to purchase the ADU condominium on terms defined under BMC 21.29.020.
- 3) All other requirements of Chapter 21.28, including application procedures and rent-ceiling limitations, shall not apply to an ADU condominium subdivision processed under this Chapter unless expressly referenced above.

D. This Chapter is intended to provide a streamlined, ministerial process for qualifying ADU condominium subdivisions and shall remain operative only so long as state law authorizes such subdivisions (Government Code §66342).

21.29.020. – Definitions.

*Exclusive Right to Purchase an ADU Condominium Unit.* "Exclusive Right to Purchase an ADU Condominium Unit" means the right of a resident tenant at the date of conversion of an Exempt ADU with Long-Term Tenancy to condominium unit to purchase the unit that they occupy, as set forth in the "Notice of Tenants' Rights Regarding ADU Condominium Conversion" required pursuant to BMC Section 21.29.050(F). The period of the Exclusive Right to Purchase begins on the date written notice is given to the resident tenant that the unit will be made available for purchase to persons other than the resident tenant, and lasts for 180 days except as otherwise provided in Section 21.28.090(C)(2).

21.29.030. - *Permit required.*

The Planning Director shall review, on a ministerial basis and without a hearing, an application for a parcel map or a tentative and final map for an ADU Condominium subdivision, and shall approve the application if the criteria in Government Code Section 66342 and this section are satisfied.

Units other than ADUs that are part of an ADU Condominium Subdivision may be subject to the provisions of Chapter 21.28, or any other applicable regulations.

21.29.040 -- *Eligibility.*

- A. A property is eligible for an ADU Condominium subdivision under this Chapter only if all the following criteria are met:
  - 1) Existing Units. The lot contains at least one legally established primary dwelling unit and at least one legally established ADU, or there is a valid

building permit for construction of a new ADU on the lot. The ADU must be in compliance with BMC Chapter 23.306.

- 2) Number of Condominium Units. In no event shall an ADU condominium subdivision result in more than ten (10) total condominium units on the lot inclusive of all residential, commercial, and accessory dwelling units.
- B. Junior ADUs. Junior ADUs shall not be eligible for conversion to condominiums.

*21.29.050 -- Application Requirements.*

In addition to the information required by Section 21.24.020 (Parcel Maps, Form and Content) and Section 21.16.020 (Tentative Maps, Form and Content), an application for an ADU condominium subdivision shall include all of the following information:

- A. The condominium shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).
- B. Subdivision Map Act Compliance. The condominium shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2, commencing with Section 66410) and all other objective requirements of this Part.
- C. Code Conformance. All structures and buildings included as part of an ADU condominium project shall conform to the building code and objective zoning requirements applicable to the zoning district in which the project is proposed. The designation of individual condominium units shall not be deemed to reduce, modify, or eliminate any such requirements.
- D. Safety Inspection. Prior to the recordation of the condominium plan, a safety inspection of the ADU shall be conducted as evidenced either through a certificate of occupancy or housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.
- E. Lienholder Consent.
  - 1) Neither a subdivision map nor a condominium plan shall be recorded with the county recorder without obtaining the written consent of each lienholder. A lienholder may refuse to give consent. A lienholder may also consent provided that any terms and conditions required by the lienholder are satisfied. Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's

consent shall be provided to the Assessor-Recorder along with a signed statement from each lienholder that states as follows:

"(Name of lienholder) hereby consents to the recording of this condominium plan in its sole and absolute discretion, and the borrower has or will satisfy any additional terms and conditions the lienholder may have."

- 2) Required Information. The lienholder's consent, whether included directly on the condominium plan or attached thereto, must include the following information:
    - a. The lienholder's signature.
    - b. The name of the record owner or ground lessee.
    - c. The legal description of the real property.
    - d. The identities of all parties with an interest in the real property as reflected in the public records.
    - e. A statement that the lienholder's consent shall be recorded in the Office of the County Recorder.
- F. Tenant Protections Notice. Proof of service of a *Notice of Tenants' Rights Regarding ADU Condominium Conversion*, on a form required by the City, shall be submitted for each tenant household occupying the subject ADUs, no earlier than 60 days prior to the date of the application. The Notice shall include, but not be limited to:
- 1) The tenant's continued right to occupy the unit pursuant to [Section 21.28.090\(C\)\(4\)](#) or 21.29.010(C), which prohibits eviction for the purpose of occupancy by the owner or the owner's relatives so long as the unit remains the tenant's principal place of residence.
  - 2) Information concerning any agreement by the owner to limit rents under Section 21.28.080(B).
  - 3) The tenant's exclusive right to purchase the unit under 21.28.090(C)(2) or 21.29.010(C).

If the tenant does not exercise their right to purchase within the timeframe set forth in Section 21.29.010(C), the owner may proceed with the sale of the unit to another party. Any such transfer must be made subject to the tenant's right to

continued occupancy as provided in Section 21.28.090(C)(4).

- G. Notice to providers of utilities. If an ADU is established as a condominium, the owner shall notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.
- H. The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.

For purposes of this subdivision, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.

#### 21.29.06 -- *Required Notice to Consumers.*

The City shall include the following notice to consumers on any Accessory Dwelling Unit (ADU) or Junior Accessory Dwelling Unit (JADU) submittal checklist or public information describing requirements and permitting for ADUs, and as a standard condition of any building permit or condominium plan approval:

“NOTICE: If you are considering establishing your primary dwelling unit and accessory dwelling unit as a condominium, please ensure that your building permitting agency allows this practice. If you decide to establish your primary dwelling unit and accessory dwelling unit as a condominium, your condominium plan or any future modifications to the condominium plan must be recorded with the County Recorder. Prior to recordation or modification of your subdivision map and condominium plan, any lienholder with a lien on your title must provide a form of written consent either on the condominium plan, or on the lienholder's consent form attached to the condominium plan, with text that clearly states that the lender approves recordation of the condominium plan and that you have satisfied their terms and conditions, if any.

In order to secure lender consent, you may be required to follow additional lender requirements, which may include, but are not limited to, one or more of the following:

- (a) Paying off your current lender.

You may pay off your mortgage and any liens through a refinance or a new loan. Be aware that refinancing or using a new loan may result in changes to your interest rate or tax basis. Also, be aware that any subsequent modification to your subdivision map or

condominium plan must also be consented to by your lender, which consent may be denied.

(b) Securing your lender's approval of a modification to their loan collateral due to the change of your current property legal description into one or more condominium parcels.

(c) Securing your lender's consent to the details of any construction loan or ground lease.

This may include a copy of the improvement contract entered in good faith with a licensed contractor, evidence that the record owner or ground lessee has the funds to complete the work, and a signed statement made by the record owner or ground lessor that the information in the consent above is true and correct.”

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Rashi Kesarwani  
Councilmember, District 1

CONSENT CALENDAR  
May 14, 2024

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Increasing Entry Level Homeownership Opportunities:  
Implementation of AB 1033 to Allow Accessory Dwelling Units (ADUs)  
To Be Sold Separately

RECOMMENDATION

Refer to City Manager to implement AB 1033, which would allow Accessory Dwelling Units (ADUs) to be sold separately from a primary unit.

This referral would necessitate elimination of any mention of sales restrictions as they pertain to ADUs within the Berkeley Municipal Code and adoption of an ordinance allowing ADU sales separate from a primary unit(s).

CURRENT SITUATION AND ITS EFFECTS

***AB 1033 Allows ADUs to be Sold Separately from a Primary Residence, Increasing Entry Level Homeownership Opportunities.*** State law AB 1033, effective January 1, 2024, eliminates the prior state law prohibiting the mapping and selling of a single-family home and its ADU as condominium units. While this prohibition on condominium conversion has been lifted, local agencies must opt-in and amend their codes to permit these entry-level homeownership opportunities. Congruent with the condominium homeownership model, property owners wishing to sell an ADU will need to notify their utility provider and establish a homeowners' association responsible for overseeing property maintenance. ADUs tend to be more affordable than a typical single-family home. By permitting the independent sale of ADUs, the City of Berkeley can increase the available stock of entry-level homeownership opportunities. Further, ADU condominium conversion purchases are eligible for federally guaranteed mortgages, easing financing opportunities for homebuyers.<sup>1</sup> AB1033 not only helps households seeking entry-level homeownership opportunities, it can also help existing homeowners to age in place by providing lump-sum resources from an ADU sale.

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<sup>1</sup> Casita Coalition and Reuben, Junius & Rose LLP: AB 1033 - How to Implement New State ADU Condominium Laws, p. 1

<https://static1.squarespace.com/static/5f2c2d67c58236227115e0de/t/65397c083ac9fc75cf8701fd/1698266121029/AB-1033-Casita-Coalition-RJR-ADU-Condos-memo.pdf>

## BACKGROUND

California, particularly the Bay Area, faces an ongoing housing crisis, with affordability and accessibility becoming increasingly challenging for residents. As the state grapples with this issue, nearly 20 percent of housing units constructed in California today are ADUs, reflecting the significant contribution that ADUs are making in reducing the housing shortage.<sup>2</sup> According to the California Association of Realtors Housing Affordability Index, only 17 percent of households in the state can afford a single-family home, a figure that falls significantly below the national average.<sup>3</sup>

The California Legislative Analyst's Office, a nonpartisan entity, examined the state's exorbitant housing costs and delineated various factors contributing to it, notably a pronounced housing shortage, particularly in coastal California.<sup>4</sup> Since 1980, housing construction in California has lagged significantly behind both national and historical averages. Despite a national housing boom in the mid-2000s, California's housing production remained relatively sluggish. Moreover, merely 10 percent of Berkeley's housing units were constructed after 1980.<sup>5</sup> As construction slowed over time, California's housing costs escalated, surpassing the national average. Presently, home prices in Berkeley stand at \$1.4 million compared to the national average of \$354,000.<sup>6</sup>

In their report, "Closing California's Housing Gap," the McKinsey Global Institute proposed specific measures to alleviate housing insecurity in the state. They recommend tackling housing scarcity by identifying potential "hot spots" for housing creation, such as areas within a half-mile radius of transit hubs, underutilized urban lots, and the addition of extra units to single-family homes.<sup>7</sup>

While the impact of high housing costs disproportionately affects certain racial and socioeconomic groups, there is also a noticeable generational divide. The scarcity of affordable housing near employment opportunities, coupled with mounting student debt, has resulted in a net worth for young households that is 20 percent lower than that of baby boomers in 1989 and 40 percent lower than that of Generation X families in 2001. Additionally, homeownership is increasingly unattainable for younger generations, with millennials being 8 percent less likely to own homes compared to baby boomers and Gen Xers.<sup>8</sup> Nearly half of households aged 18-34 are considered rent-burdened. The Urban

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<sup>2</sup> Casita Coalition and Reuben, Junius & Rose LLP: AB1033 – How to Implement New State ADU Condominium Law, p.1

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<sup>3</sup> Casita Coalition and Reuben, Junius & Rose LLP: AB1033 – How to Implement New State ADU Condominium Law, p.1

<https://static1.squarespace.com/static/5f2c2d67c58236227115e0de/t/65397c083ac9fc75cf8701fd/1698266121029/AB-1033-Casita-Coalition-RJR-ADU-Condos-memo.pdf>

<sup>4</sup> California's High Housing Costs, Causes and Consequences (2015) Legislative Analyst's Office.  
<https://lao.ca.gov/reports/2015/finance/housing-costs/housing-costs.aspx>

<sup>5</sup> 2015-2023 Berkeley Housing Element (2014). City of Berkeley.

<https://cityofberkeley.app.box.com/s/x7cfk49voo9hr56iw3exsqogx0w7e6y3>

<sup>6</sup> Home Values (2024) <https://www.zillow.com/home-values/>

<sup>7</sup> Woetzel, J., Mischke, J., Peloquin, S., and Weisfield, D. (2016, October). A Toolkit to Close California's Housing Gap: 3.5 Million Homes by 2025. McKinsey Global Institute:

<https://www.mckinsey.com/~media/mckinsey/industries/public%20and%20social%20sector/our%20in%20sights/closing%20californias%20housing%20gap/closing-californias-housing-gap-full-report.pdf>

<sup>8</sup> Grabar, Henry. (2019). I Got Mine. Slate Magazine.

Institute conducted an extensive study on the barriers to millennial homeownership and recommended a series of policy changes, with a key recommendation being the alteration of land use and zoning restrictions, particularly in areas with rigid housing supply.<sup>9</sup>

Furthermore, moderate-income earners often find themselves unable to access Below Market Rate (BMR) housing, exacerbating the issue. Naturally affordable housing options, such as ADUs, often offer a pathway to more affordable living. An analysis by the Turner Center revealed that 58 percent of ADU owners rented their units at below-market-rate rent. Due to their smaller size and/or cost-effective construction, ADUs frequently provide more affordable options for both owners and renters compared to single-family homes.<sup>10</sup>

### FISCAL IMPACT

Staff time to amend the Berkeley Municipal Code to eliminate mention of sales restrictions as they pertain to ADUs and to prepare an ordinance allowing ADU sales separate from the main unit(s).

### ENVIRONMENTAL SUSTAINABILITY

The recommendation to promote ADUs has significant implications for environmental sustainability, particularly through the concept of infill housing, especially near transit hubs. By encouraging the construction of ADUs, cities can capitalize on existing infrastructure and minimize urban sprawl by using underutilized parcels within established neighborhoods. This approach to infill housing not only optimizes land use but also reduces the need for further development on undeveloped land, preserving natural habitats and open spaces.<sup>11</sup>

Moreover, situating ADUs near transit promotes alternative modes of transportation, such as walking, biking, or public transit, thus reducing reliance on cars and lowering greenhouse gas emissions associated with commuting. Overall, the strategic implementation of ADUs as infill housing near transit contributes to a more sustainable urban environment, aligning with efforts to combat climate change and promote eco-friendly living practices.

Expanding housing options plays a crucial role in addressing environmental concerns, aligning with the City of Berkeley's Climate Action Plan. Researchers from the University of California have developed a climate policy tool for local governments to evaluate policies'

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<https://slate.com/business/2019/05/californiahousing-crisis-boomer-gerontocracy.html>

<sup>9</sup> Choi, j., Zhu, J., Goodman, L., Ganesh, B., and Strochak, S. (July 2018). Millennial Homeownership. The Urban Institute.

[https://www.urban.org/sites/default/files/publication/98729/millennial\\_homeownership.pdf](https://www.urban.org/sites/default/files/publication/98729/millennial_homeownership.pdf)

<sup>10</sup> Garcia, D. (2017). ADU Update: Early Lessons and Impacts of California's State and Local Policy Changes. Turner Center for Housing Innovation. <https://turnercenter.berkeley.edu/research-and-policy/adu-update-early-lessons-and-impacts-of-californias-state-and-local-policy-changes/>

<sup>11</sup> The Environmental Center September 24, 2020 Blog Post: Accessory Dwelling Units: A Sustainable Housing Solution: <https://envirocenter.org/accessory-dwelling-units-a-sustainable-housing-solution/#:~:text=Since%20these%20units%20tend%20to,more%20sustainable%20and%20livable%20community.>

effectiveness in reducing carbon footprints. Their study of 700 cities revealed that infill housing has the most significant impact.<sup>12</sup>

CONTACT PERSON

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

Attachments:

Casita Coalition and Reuben, Junius & Rose LLP: AB 1033 - How to Implement New State ADU Condominium Law. Pages 3-5 include required text in ADU condominium ordinances – Cal. Govt. Code Section 65852.2(a)(10)

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<sup>12</sup> Jones, C, Wheeler, S, and Kammen, D. (2018) California Local Government Climate Policy Tool. Cool Climate Network. <https://coolclimate.berkeley.edu/ca-scenarios/index.html>



## **AB1033 – HOW TO IMPLEMENT NEW STATE ADU CONDOMINIUM LAW**

Today, nearly 20% of housing units built in California are accessory dwelling units (“ADUs”). According to the California Association of Realtors Housing Affordability Index, only 17% of households can afford a single-family home, less than half of the national average. In many States across the country, ADU condo conversion projects are re-enabling a generation of home buyers to live in the communities of their choice near work and family. The State of Washington recently required all local agencies to allow conversions of a primary unit and ADU to condominiums for sale. Consequently, in Seattle and Portland 40% to 50% of ADUs constructed are sold as condominiums to new homebuyers, where they are bought for approximately half the value of a stand-alone single-family home. Such ADU condo conversion purchases are eligible for federally guaranteed mortgages, making them easy to finance for ordinary homebuyers.

The California State Legislature recently adopted a new law, AB1033, that creates affordable options for homeownership by allowing ADU’s to be sold separately from a primary unit. AB1033 removes the previous State law prohibition against mapping and selling a single-family home and its ADU as condominiums. Even though this prohibition on condo conversion has been eliminated, it is up to Local Agencies to amend their codes to allow these entry-level home ownership opportunities.

### **WHAT NEEDS TO BE DONE TO ALLOW SALE OF ADUS?**

Respecting local control, the Legislature left it up to Local Agencies to amend their municipal code(s) to allow these entry-level home ownership opportunities through the sale of ADUs. The Casita Coalition and Reuben, Junius, and Rose, LLP have developed this guidance to encourage your Local Agency to make the following changes to your code(s), procedures and policies to re-enable Californians priced out of many of our communities to once again have a dream of buying a home by enabling more naturally-affordable condominiums for sale.

### **RECOMMENDED STEPS TO IMPLEMENT SALE OF ADUS**

1. **Eliminate Sale Restrictions.** Remove all provisions in your municipal code that prohibits the sale or other conveyance of an ADU. These restrictions are typically included in local Condominium Codes and Zoning Codes.



2. **Adopt Legislation Expressly Allowing ADU Sales.** To align local rules with State law, adopt changes to the municipal code that allow conversion of a home and its ADU into condominiums subject to the requirements of the Davis-Stirling Common Interest Development Act (Cal. Civ. Code Sec. 4400-6150.) Appropriate amendment text will differ depending on the existing municipal code, but AB1033 requires a list of express provisions be included in such local ordinance, attached at the end of this document.
3. **Publish ADU Checklists.** Provide a comprehensive checklist for any ADU building permit and for ADU condominium/subdivision projects, indicating Subdivision Map Act compliance and lender subordination information.
4. **First Right of Offer to Owner Occupants.** To further encourage new homeownership, consider including a condition of approval for establishing condominiums of a primary unit and ADU giving a first right of offer for a period of 45 days on publicly accessible databases, e.g., MLS, to buyers indicating an intent to live in the property (either themselves or their immediate family). To avoid issues with lenders, however, do not require owner occupancy.
5. **Create “Grow Homeownership” Program.** Establish a program with dedicated staff that expedites ADU condominium processing with first comments to be issued within 45 days of submission of a complete application.
  - Consider waiving or reducing application and impact fees otherwise applied to condominiums.
  - The Grow Homeownership Program could be paired with other funding programs your jurisdiction may have, e.g., through SB2 (2017) funds.

If you have any questions or would like to discuss any of the above, please do not hesitate to reach out to Justin A. Zucker from Reuben, Junius & Rose, LLP at 415.656.6489 or [jzucker@reubenlaw.com](mailto:jzucker@reubenlaw.com).

**AB1033 – Required Text in ADU Condominium Ordinances – Cal. Govt. Code Sec. 65852.2(a)(10)**

(A) The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

(B) The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all objective requirements of a local subdivision ordinance.

(C) Before recordation of the condominium plan, a safety inspection of the accessory dwelling unit shall be conducted as evidenced either through a certificate of occupancy from the local agency or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.

(D) (i) Neither a subdivision map nor a condominium plan shall be recorded with the county recorder in the county where the real property is located without each lienholder's consent. The following shall apply to the consent of a lienholder:

(I) A lienholder may refuse to give consent.

(II) A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.

(ii) Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder along with a signed statement from each lienholder that states as follows:

“(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have.”

(iii) The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information:

(I) The lienholder's signature.

(II) The name of the record owner or ground lessee.

(III) The legal description of the real property.

(IV) The identities of all parties with an interest in the real property as reflected in the real property records.

**Page 8 of 9**

(iv) The lienholder's consent shall be recorded in the office of the county recorder of the county in which the real property is located.

(E) The local agency shall include the following notice to consumers on any accessory dwelling or junior accessory dwelling unit submittal checklist or public information issued describing requirements and permitting for accessory dwelling units, including as standard condition of any accessory dwelling unit building permit or condominium plan approval:

*"NOTICE: If you are considering establishing your primary dwelling unit and accessory dwelling unit as a condominium, please ensure that your building permitting agency allows this practice. If you decide to establish your primary dwelling unit and accessory dwelling unit as a condominium, your condominium plan or any future modifications to the condominium plan must be recorded with the County Recorder. Prior to recordation or modification of your subdivision map and condominium plan, any lienholder with a lien on your title must provide a form of written consent either on the condominium plan, or on the lienholder's consent form attached to the condominium plan, with text that clearly states that the lender approves recordation of the condominium plan and that you have satisfied their terms and conditions, if any.*

*In order to secure lender consent, you may be required to follow additional lender requirements, which may include, but are not limited to, one or more of the following:*

*(a) Paying off your current lender.*

*You may pay off your mortgage and any liens through a refinance or a new loan. Be aware that refinancing or using a new loan may result in changes to your interest rate or tax basis. Also, be aware that any subsequent modification to your subdivision map or condominium plan must also be consented to by your lender, which consent may be denied.*

*(b) Securing your lender's approval of a modification to their loan collateral due to the change of your current property legal description into one or more condominium parcels.*

*(c) Securing your lender's consent to the details of any construction loan or ground lease.*

*This may include a copy of the improvement contract entered in good faith with a licensed contractor, evidence that the record owner or ground lessee has the funds to complete the work, and a signed statement made by the record owner or ground lessor that the information in the consent above is true and correct."*

**Page 9 of 9**

(F) If an accessory dwelling unit is established as a condominium, the local government shall require the homeowner to notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.

(G) (i) The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.

(ii) For purposes of this subparagraph, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.

(H) An accessory dwelling unit shall be sold or otherwise conveyed separate from the primary residence only under the conditions outlined in this paragraph or pursuant to Section 65852.26.



## Public Interest Advocates

1107 9<sup>th</sup> Street, Suite 601  
Sacramento, CA 95814

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

From: Brian Augusta

Date: May 8, 2024

Re: **State Legislative Update for the May 2025 Board Meeting**

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At your April meeting, Public Interest Advocates presented a summary of several bills of interest to the Board. In a motion approved by the Board, you took action on a number of bills and also directed us to report back at this May board meeting on a handful of additional bills that the board had not yet considered. This memo provides an update on the bills that the Board has taken positions on so far, as well as a summary of additional bills the Board may wish to consider.

### Update on Bills from April Board Meeting

#### **AB 246 (Bryan) – Interrupted Social Security Payments and UDs**

**Board position:** Support if Amended to cover Housing Choice Vouchers

**Status:** In Assembly Appropriations

**Summary:** Until 2029, would prohibit UDs where a tenant reliant on Social Security has had their payments interrupted by the government, subject to specific procedural criteria.

#### **AB 878 (Kalra) – Reasonable Accommodation for Survivors in Rental Housing**

**Board Position:** Support

**Status:** On the Assembly Floor.

**Summary:** Requires a landlord to provide reasonable accommodations to survivors of domestic violence.

#### **AB 1248 (Haney) – Definition of Rent**

**Board Position:** Support

**Status:** On the Assembly Floor.

**Summary:** Defines rent to include the tenant's total monthly payment to the landlord, including the costs for any housing-related services, and prohibits landlords from charging fees separate from rent with narrow exceptions.

**AB 1157 (Kalra) – Tenant Protection Act Changes**

**Board Position:** Support

**Status:** The bill is now a two-year bill, eligible for a hearing in Assembly Judiciary next January

**Summary:** Lowers the rent cap applicable under the Tenant Protection Act (TPA), removes the single-family home exemption, and deletes the sunset, making the law permanent.

**AB 1183 (Lowenthal) – Pre-Rental Habitability Inspections**

**Board Position:** Oppose

**Status:** The bill is now a two-year bill, eligible for a hearing in Assembly Judiciary next January

**Summary:** Allows a landlord to request an inspection of a unit prior to offering it for rent to determine whether the unit complies with habitability requirements and, if the inspection report shows no violations, presumes that the unit is in compliance for an as-yet unspecified number of years. The bill provides that if a tenant reports any habitability issues to the landlord during the period of time the unit is presumed habitable, the landlord has an as-yet unspecified number of days to cure or correct without being found in violation of habitability requirements.

**Additional Bills for Consideration**

**AB 282 (Pellerin) – Preferences for Voucher Households**

Provides that it is not source of income discrimination to prioritize applicants for tenancy who qualify for or participate in government-sponsored rental assistance or subsidy programs, vouchers, or certificate systems.

**Status:** On the Assembly Floor.

**AB 736 (Wicks) – Affordable Housing Bond & SB 417 (Cabaldon)**

Both bills place a \$10 billion bond on the June 2026 primary ballot to fund a variety of affordable housing programs.

**Status:** On Asm Appropriations suspense file.

**AB 893 (Fong) – AB 2011 Expansion to "Campus Development Zones"**

Expands the applicability of AB 2011 streamlining to "campus development zones," defined as areas within a half-mile radius of a main campus, as defined by existing law.

**Status:** Pending in Asm Appropriations.

**SB 36 (Umberg) – Price Gouging Enforcement**

Increases penalties for violations of Penal Code 396 and expands the covered geography of protections to any county in which a disaster is declared in addition to all adjacent counties.

**Status:** Set for hearing Monday, May 5, 10 a.m. in Sen. Appropriations, 1021 O Street, Room 2200

**SB 368 (Smallwood-Cuevas) – Price Gouging Enforcement**

Requires the Department of Justice and local district attorneys to establish partnerships to enforce Penal Code 396.

**Status:** Set for hearing Monday, May 5, 10 a.m. in Sen. Appropriations, 1021 O Street, Room 2200

**SB 436 (Wahab) – 14-day Notice to Quit**

Extends 3-day notice to quit for nonpayment of rent to 14 days.

**Status:** Pending in Sen Appropriations

**SB 592 (Smallwood-Cuevas) – Property Tax Relief for Tenant and CLT Residential Property Purchases**

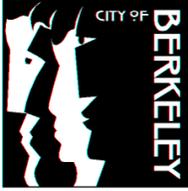
Specifies that a change in ownership for the purpose of property tax assessments does not include a transfer between the owner of the property and a limited equity housing cooperative, so long as it has the support of 51% or more of the tenants to purchase the property or a community land trust. The bill provides two years to achieve the 51% threshold. It also excludes from the definition of change of ownership any transfers of voting stock or membership interests giving tenants an exclusive right to occupy their dwelling units.

**Status:** Set for hearing Monday, May 5, 10 a.m. in Sen. Appropriations, 1021 O Street, Room 2200

**SB 634 (Pérez) – Local government: homelessness.**

Prohibits local ordinances, policy, or guidance, that prohibits a person or organization who is assisting a person who is homeless with any act related to basic survival.

**Status:** On the Senate Floor.



**Rent Stabilization Board**

DATE: May 15, 2025

TO: Honorable Members of the Rent Stabilization Board

FROM: Honorable Members of the Budget & Personnel Committee  
 By: DéSeana Williams, Executive Director  
 Lief Bursell, Senior Planner

SUBJECT: Recommendation to adopt Resolution 25-13 authorizing the Executive Director to modify the existing contract with 3Di, Inc. by extending it through September 30, 2027, and increasing the amount payable under the contract by an additional \$240,000 for a total amount not to exceed \$712,700

**Recommendation**

That the Board adopt Resolution 25-13 authorizing the Executive Director to execute a contract modification with 3Di, Inc. to extend the contract through September 30, 2027, and increase the amount payable by an additional \$240,000 (bringing the contract total to \$712,700).

**Background and Need for Rent Stabilization Board Action**

On August 13, 2020, the Rent Stabilization Board (Board) authorized the Acting Executive Director to execute a contract with 3Di, Inc. (3Di) to replace the Board's existing rent tracking system (RTS) and case management system with an integrated software solution in an amount not to exceed \$120,700 for the initial development and implementation and then \$60,000 annually for maintenance thereafter. The initial contract length was negotiated for five years, with a total contract amount not to exceed the amount of \$442,200. The contract was later amended in January of 2021 to add additional funding to implement partially covered registration, after the passage of Measure MM, and to pay for the implementation of a malware scanning service called ClamAv that was requested by the City of Berkeley's Cybersecurity staff. This increased the spending authority under the contract by \$30.500 for a total amount not to exceed \$472,700.

The Board's initial five-year contract with 3DI is set to expire on September 30, 2025. The contract terms grant the Board the right to two 12-month extensions under the contract's existing scope and payment terms. Staff recommend that the Board extend the contract with 3Di for the full 24 months. The 3Di Rent Registry is crucial for the Rent Board's registration data, payment and collections, and reporting and staff recommend the Board extend the contract for the full 24 months.

Extending the 3Di contract two additional years would cost the Board a total of \$124,800. Staff

also recommend the Board add additional funding to pay for the development of features needed to support identifying vacant units for the Empty Homes Tax, change orders that may be need to to implement Measure BB, and any other system improvements or features requested by either the Board or staff.

The costs for developing reports and features identifying vacant residential units for are estimated at \$15,000 to \$20,000. Staff recommend allocating a total of \$25,000 in Empty Homes Tax funding to pay for development of these features. Staff also recommend setting aside \$50,000 for potential change orders that may be required to address new laws or changes to existing laws, or to pay for the development of new features or improvements that are requested by staff or the Board. Finally, staff recommend adding an additional \$40,200 for both end-of-life support and contingency funding.

<b>3Di Contract Costs</b>	<b>Rate</b>	<b>Total</b>
<b>Annual Support &amp; Maintenance</b>	\$60,000 per year	\$120,000
<b>Clam AV (cybersecurity)</b>	\$2,400 per year	\$4,800
<b>Change Orders</b>		\$50,000
<b>Empty Homes Tax</b>		\$25,000
<b>End-of-Life Support</b>		\$21,500
<b>Contingency</b>		\$18,700
<b>Total Increase</b>		<b>\$240,000</b>

### **Financial Impact**

Funding for required annual payments for the 3Di Rent Registry is part of the Board’s annual budget recommendation. The Rent Board’s Finance Unit and Budget & Personnel Committee will provide a recommendation on when to budget and encumber expenditures for change orders. Funding for the Empty Homes Tax comes from the City Council’s general fund and do not have an impact on the Rent Board fund.

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

DéSeana Williams, Executive Director (510) 981-7368

## **RESOLUTION 25-13**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT MODIFICATION WITH 3Di SYSTEMS, INC. TO EXTEND THEIR EXISTING CONTRACT THROUGH SEPTEMBER 30, 2027, AND INCREASE THE CONTRACT AMOUNT BY \$240,000 FOR A TOTAL NOT TO EXCEED \$712,700**

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

**WHEREAS**, the Boards previous Rent Tracking System (RTS) and Case Management Systems were critically important for maintaining all the agency’s rental property and client contact information; and

**WHEREAS**, the RTS and Case Management System were outdated, do not communicate with each other, and the Board determined that the agency would be better served with a new integrated software solution; and

**WHEREAS**, the City of Berkeley issued a formal Request for Proposal (RFP) for vendors to submit proposals for developing a replacement for the Board’s RTS and Case Management System in August of 2019; and

**WHEREAS**, 3Di Systems, Inc. submitted the only proposal that met both the RFP requirements and had a total implementation cost within the amount budgeted for the project; and

**WHEREAS**, the Board, on August 20, 2020, authorized the Acting Executive Director to enter a contract with 3Di Systems, Inc. to replace the agency’s existing RTS and Case Management System with an integrated software solution in an amount not to exceed \$120,700 for the initial development and implementation and then \$60,000 annually for ongoing maintenance and support; and

## **RESOLUTION 25-13**

### **AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT MODIFICATION WITH 3Di SYSTEMS, INC. TO EXTEND THEIR EXISTING CONTRACT THROUGH SEPTEMBER 30, 2027, AND INCREASE THE CONTRACT AMOUNT BY \$240,000 FOR A TOTAL NOT TO EXCEED \$712,700 (Page 2)**

**WHEREAS**, after the passage of Measure MM in November of 2020, the Board asked 3Di Systems, Inc. to develop an additional registration module to facilitate registration and fee collection for partially covered, Measure MM units; and

**WHEREAS**, the Measure MM registration module was successfully developed and launched by 3Di Systems, Inc. in February of 2021; and

**WHEREAS**, all system modules necessary to replace the functions and requirements of the RTS database were launched on December 17, 2021, and the case management module was launched on March 28, 2022; and

**WHEREAS**, registration for both fully covered and partially covered rental units have been completed in the 3Di Rent Registry since the 2022 registration period; and

**WHEREAS**, Rent Board staff are working to implement the new Measure BB registration requirements for government subsidized units for the 2025 registration period; and

**WHEREAS**, the Board's initial contract with 3Di Systems, Inc. expires on September 30, 2025; and

**WHEREAS**, the contract terms give the Board the unilateral right to extend the existing contract with 3Di Systems, Inc. for two additional 12-month periods; and

**WHEREAS**, the 3Di Rent Registry plays a crucial role in the administration of the Rent Stabilization Ordinance through its registration, collections, case-management and hearings modules; and

**WHEREAS**, data in the 3Di Rent Registry is being used to identify vacant units for taxation under Berkeley's Empty Homes Tax; and

**RESOLUTION 25-13**

**AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT MODIFICATION WITH 3Di SYSTEMS, INC. TO EXTEND THEIR EXISTING CONTRACT THROUGH SEPTEMBER 30, 2027, AND INCREASE THE CONTRACT AMOUNT BY \$240,000 FOR A TOTAL NOT TO EXCEED \$712,700 (Page 3)**

WHEREAS, the Rent Board is pleased to have an integrated system that manages both rent ceiling, rent registration data, petitions and housing counselor cases; and

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby authorizes the Executive Director to execute a contract modification with 3Di Systems, Inc. to extend their existing contract through September 30, 2027, and increase the contract's spending authority by an amount not to exceed \$240,000 (for a new total contract amount not to exceed \$712,700), including \$25,000 from the general fund allocated to support the administration of the City of Berkeley Empty Homes Tax.

Dated: May 15, 2025

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

YES:

NO:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Soli Alpert, Chairperson  
Rent Stabilization Board

Attest: \_\_\_\_\_  
DéSeana Williams, Executive Director

# MEASURE BB UPDATES

Item 8.a.

## *NEW RULES ABOUT PAYING FOR UTILITIES*

Starting February 6, 2024, a landlord may charge a tenant in a fully covered unit for utilities if:

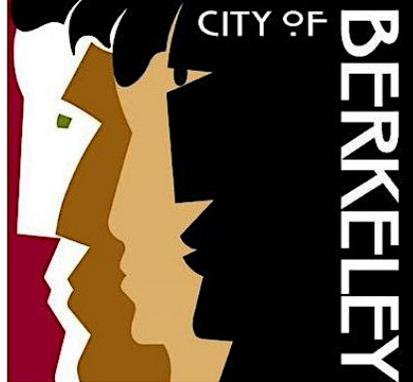
- The cost of the utilities is part of the base rent;  
OR
- The utility service is separately metered, and the lease requires the tenant to place the utility in the tenant's name.

A landlord who is charging for utilities separately from rent in a lease which started on or after February 6, 2024, may file a petition with the Rent Board to add the average cost of utilities to the rent ceiling.

Rent ceiling increases must be made through the petition process, but the parties can ask to waive the hearing if they agree on the increase, and the agreement and proof submitted with the petition meet certain standards.

For more information, please visit our website.

**Adding Utility  
Costs to the  
Rent Ceiling**



### LANDLORDS:

See our Rent Adjustment Petitions page for more details on starting a petition.

Visit our Rent Registry, the property portal for landlords & owners at:

[rentregistry.cityofberkeley.info](https://rentregistry.cityofberkeley.info)



@berkeleyrentboard

# TAKE ACTION!

## Connect With Us

**Contact the Rent Stabilization Board  
with your questions:**

**Phone:** (510) 981-RENT (7368)

**Email:** [rent@berkeleyca.gov](mailto:rent@berkeleyca.gov)

**Request an Appointment:**

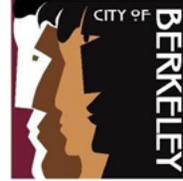


## Want More Information?

**Resources available  
on our website!**

**Web:** [rentboard.berkeleyca.gov](http://rentboard.berkeleyca.gov)

**Scan QR code:**



Rent Stabilization Board  
2000 Center St., Suite 400  
Berkeley, CA 94704

May 2025

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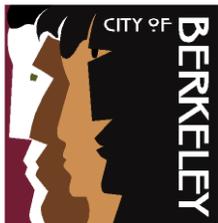
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الترجمة متاحة. اتصل بنا!

提供翻譯。致電我們!

Có sẵn bản dịch Hãy gọi cho chúng tôi!

**FOLLOW US ON FACEBOOK FOR UPDATES**



## Rent Stabilization Board

May 2025

Dear Berkeley Community,

Every decade, the Berkeley Rent Stabilization Board carries out a thorough Tenant Survey to evaluate the status of the city's rental housing. This survey helps us recognize important trends and shape policy decisions. The 2022 Tenant Survey collected valuable information from tenants living in **19,300 rent-stabilized units**, which account for **73% of Berkeley's rental housing stock**. The data provides a more detailed understanding of housing affordability, building conditions, tenants' awareness of their rights, and the overarching challenges facing the rental market.

The survey results underscore rent stabilization's ongoing significance in providing housing security for many tenants while identifying areas requiring further attention. These areas include concerns about increasing rental costs for newer tenants, building maintenance, and disaster preparedness. The Rent Board is dedicated to **working with tenants, property owners, and policymakers** to foster a rental housing market that is stable, well-maintained, and accessible for all parties.

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### KEY FINDINGS: 2022 TENANT SURVEY

#### 1. Housing Affordability & Rent Burden

- **Median Rent:** \$2,083 per month for rent-stabilized units.
- **Rent Variations:** Long-term tenants (10+ years) paid a median rent of \$1,200, while newer non-student tenants paid \$2,200—a 45% difference primarily due to rent control protections.
- **Financial Impact:**
  - 55% of short-term non-student households allocated more than 30% of their income to rent.
  - 29% were classified as severely rent-burdened, paying over 50% of their income on rent and utilities.

 **Actionable Insight:** While rent stabilization continues to play a role in maintaining affordability for many tenants, newer renters experience higher costs upon entering the market. This indicates a need for ongoing discussions about strategies to enhance access to affordable housing options.

## 2. Tenant Awareness & Engagement with the Rent Board

- **Knowledge of Rent Stabilization:**
  - 93% of long-term tenants were aware that their unit was covered under rent control.
  - Only 48% of newer tenants were familiar with their rights under the ordinance.
- **Utilization of Rent Board Services:**
  - 52% of long-term tenants had contacted the Rent Board for assistance.
  - 15% of short-term tenants had sought support.
- **Satisfaction with Assistance:** 59% of those who contacted the Rent Board found the staff to be "very helpful."

 **Actionable Insight:** There is a noticeable gap in awareness and engagement among newer tenants, suggesting the potential need for expanded educational efforts to ensure all renters comprehend their rights and resources.

## 3. Building Conditions & Landlord-Tenant Relations

- **Reported Issues:**
  - 79% of tenants reported physical problems in their buildings, up from 75% in 2009.
  - The number of reported issues per unit increased from 2.4 (2009) to 3.2 (2022).
- **Resolution of Complaints:**
  - 85% of tenants who reported maintenance issues indicated that at least one problem was resolved within 30 days.
- **Landlord-Tenant Conflicts:** 26% of tenants reported disputes with landlords, with maintenance and repairs being the most common source of concern.

 **Actionable Insight:** While many maintenance concerns appear to be addressed within a reasonable timeframe, the overall increase in reported building issues suggests the importance of ongoing property upkeep and compliance with habitability standards.

## 4. The Impact of COVID-19 on Renters

- **Financial Hardship:** 27% of tenants reported economic challenges due to COVID-19, with job or income loss cited as the primary reason (87%).
- **Rental Payment Challenges:** 17% of surveyed tenants fell behind on rent payments.
- **Government Assistance:** 31% of tenants received some form of rental relief.

 **Actionable Insight:** The pandemic illuminated the financial vulnerabilities within the rental market. The data suggests that ongoing focus on economic stability measures, rental assistance initiatives, and eviction prevention strategies may be crucial in managing future disruptions

## 5. Climate Change & Disaster Preparedness

- **Concerns Over Natural Disasters:**
  - 81% of tenants expressed concerns related to climate and disaster risks.
  - Earthquakes were identified as the top concern among long-term (67%) and short-term tenants (56%).
  - 49% of tenants expressed concern about power outages, and 29% cited heat waves as a significant issue.
- **Preparedness Levels:** Only 8% of tenants reported involvement in neighborhood disaster preparedness programs.

 **Actionable Insight:** Enhancing disaster resilience efforts, including structural safety measures and tenant education about preparedness, could help manage future risks.

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## THE ROLE OF RENT STABILIZATION & HOUSING POLICY

The Berkeley Rent Stabilization Ordinance is a vital aspect of maintaining housing stability throughout the city. The survey results indicate that rent control:

- ✓ Helps long-term tenants remain in their homes with below-market rents.
- ✓ Limits excessive rent increases for units covered under stabilization policies.
- ✓ Supports housing security, particularly for vulnerable groups such as seniors and low-income residents.

However, rent stabilization is just one element of the broader housing policy discussion. Going forward, continued focus on the following areas will be necessary:

-  **Tenant and Landlord Engagement** – Ensuring all stakeholders are informed about their rights, responsibilities, and available resources.
-  **Housing Supply & Affordability** – Supporting the development and preservation of rental housing that meets the needs of the community.
-  **Building Maintenance & Safety** – Promoting adherence to habitability standards and encouraging proactive property management.
-  **Disaster Preparedness & Climate Resilience** – Strengthening efforts to address climate-related risks and emergency readiness in rental housing.

## LOOKING AHEAD: A COMMITMENT TO HOUSING STABILITY

The insights gained from the 2022 Tenant Survey offer valuable information that will inform future discussions about Berkeley's housing policies and rental market conditions. The Rent Board will persist in our collaboration with tenants, property owners, and policymakers to uphold our mission of **fostering fairness, stability, and well-maintained housing throughout the city.**

We urge all members of the rental community to stay informed, utilize the available resources, and engage in discussions surrounding housing policies.

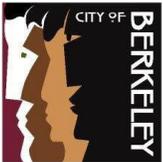
For further information and assistance or to stay updated on policy developments, please visit <https://rentboard.berkeleyca.gov/> or call **(510) 981-7368**.

Thank you to everyone who participated in the survey. Your contributions are instrumental in shaping Berkeley's rental housing landscape.

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### **In Solidarity,**

DéSeana Williams  
Executive Director  
Berkeley Rent Stabilization Board



Rent Stabilization Board

## Petition to Establish Tenant Association Berkeley Municipal Code section 13.76.135.A

*Use of this form is not required to create a Tenant Association. Tenant Associations are not required to file this form with the Rent Board but are encouraged to do so. Tenants must also give the landlord a copy of any petition to establish a Tenant Association.*

**Property Address:** \_\_\_\_\_

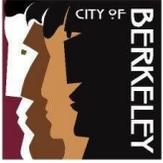
The tenants of the above property submit this Petition to establish a Tenant Association pursuant to Berkeley Municipal Code section 13.76.135.

This property (select at least one):

- has ten or more rental units
- is managed by a property management company as defined in Rent Board Regulation 411

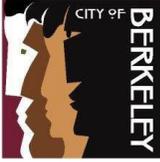
To the best of the knowledge of the undersigned, the signatures below represent tenants of at least half of the occupied rental units at the property, and certify the desire of the undersigned to form and join a Tenant Association at this address. This Petition includes \_\_\_ additional signature pages.

Date	Unit #	Printed Name	Signature



Rent Stabilization Board

See our [Tenant Right to Organize webpage](#) for more information. If you're looking at a hardcopy of this form, go to our website at [rentboard.berkeleyca.gov](http://rentboard.berkeleyca.gov) and search for "Tenant Right to Organize."



Rent Stabilization Board

## Petition to Establish Tenant Association Certification of Delivery to Landlord

**Property Address:** \_\_\_\_\_

The Tenant Association at the above address provided the landlord of the property a copy of the Petition to Establish a Tenant Association in the following manner (check all that apply):

\_\_\_\_ **US Mail.** The individual who signs below placed the Petition and any attachments in a sealed envelope with first-class postage fully paid and addressed as follows:

Address: \_\_\_\_\_

\_\_\_\_ **Email.** The individual who signs below emailed the Petition and any attachments to the following email address: \_\_\_\_\_

\_\_\_\_ **Personal Delivery-** The individual who signs below personally handed the Petition and attachments to:

Name of person: \_\_\_\_\_

Date: \_\_\_\_\_ Time (approximate): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date





**RENT STABILIZATION BOARD  
BUDGET & PERSONNEL COMMITTEE MEETING**

**Thursday, May 1, 2025 – 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/89560309768?pwd=IUicaKgaJYaDqw5UQ5pTyUpVuXsWKg.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: 895 6030 9768 and Passcode: 594690. 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](mailto: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 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:**

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Rent Stabilization Board

**RENT STABILIZATION BOARD**  
**BUDGET & PERSONNEL COMMITTEE MEETING**

**Thursday, May 1, 2025 – 5:30 p.m.**

**Rent Stabilization Board Conference Room A – 2000 Center Street, 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 March 11, 2025, meeting minutes (attached to agenda)
6. Discussion and Possible Action regarding the Fiscal Year 2025/26 Rent Board Budget. Finance Director- Shamika Cole (Verbal)
7. Discussion and Possible Action on the Recommendation to Amend the 3Di contract. Executive Director- DéSeana Williams (Report Attached)
8. Future agenda items
9. Discussion and possible action to set the next meeting
10. Adjournment

**STAFF CONTACT: DéSeana Williams, Executive Director (510) 981-7368**  
COMMITTEE: Soli Alpert, Andy Kelley, Nathan Mizell, Chair, Dominique Walker



**RENT STABILIZATION BOARD**  
**CLIMATE RESILIENCE AND HABITABILITY COMMITTEE**

**Monday, May 5, 2025 – 6:00 p.m.**

**Rent Stabilization Board Conference Room A – 2000 Center Street, Suite 400, Berkeley, CA**  
**Teleconference Location: 2010 Fifth Street, Apt 260, Berkeley, CA**

**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: 814 7534 1460 and Passcode: 784831. 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 [aeberhart@berkeleyca.gov](mailto:aeberhart@berkeleyca.gov) with the Subject line in this format: "PUBLIC COMMENT ITEM FOR CLIMATE RESILIENCE & HABITABILITY 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.**

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Rent Stabilization Board

## **RENT STABILIZATION BOARD**

### **CLIMATE RESILIENCE AND HABITABILITY COMMITTEE**

**Monday, May 5, 2025 – 6:00 p.m.**

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

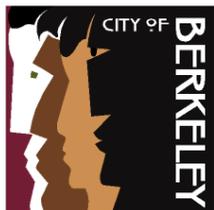
**Teleconference Location: 2010 Fifth Street, Apt 260, Berkeley, CA**

### **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. Public Comment
5. Approval of the April 7, 2025 Meeting Minutes
6. Discussion and possible action on Wildfire Prevention and the Hardening of Defensible spaces guidelines, with regards to Landlord and Tenant issues and potential for regulatory updates and outreach needs.
7. Discussion and possible action on Cooling and the review of the most recent CHCD report.
8. Discussion and possible action on Individual Rent Adjustments for Habitability Issues and evaluation of the existing rent reduction formulas for violations such as mold and other severe conditions.
9. Discussion and possible action on an Energy Outreach Project Plan.
10. Announcements
11. Next Meeting Date
12. Future Agenda Items
  - Decarbonization Without Displacement presentation.
  - Review of the Habitability Plan and related complaints.
  - Coordination with Planning Department and Office of Energy and Sustainability.
  - Progress on pilot project development and utility cost tracking related to Measure BB.
  - Legal feasibility of partnerships with nonprofits for sustainability efforts
13. Adjournment

**STAFF CONTACT: Amanda Eberhart, Registration Unit Manager (510) 981-4904**

**COMMITTEE: Ida Martinac (Chair), Vanessa Marrero, Alfred Twu, Dominique Walker**



Rent Stabilization Board

**RENT STABILIZATION BOARD**  
**EVICTION / SECTION 8 / FORECLOSURE COMMITTEE MEETING**

**Tuesday, May 13, 2025 – 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.**

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**To join by phone:** Dial 1-669-444-9171 and enter Webinar ID: 867 3633 6218 and Passcode: 573125. 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](mailto: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.**

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Rent Stabilization Board

**RENT STABILIZATION BOARD**  
**EVICITION / SECTION 8 / FORECLOSURE COMMITTEE MEETING**

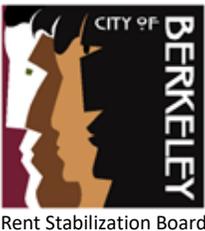
**Tuesday, May 13, 2025 – 6:00 p.m.**

**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. Election of Committee Chair
4. Approval of the Agenda
5. Approval of the Minutes of the November 12, 2024 meeting
6. Public Comment
7. Discussion and possible action regarding recent eviction data
8. Discussion and possible action regarding Foreclosure/Distressed Property Report
9. Discussion and possible action regarding Measure AA Owner Move-in Eviction Report
10. Confirm next meeting date
11. Adjournment

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



## RENT STABILIZATION BOARD

### LEGISLATION, IRA / AGA & REGISTRATION COMMITTEE MEETING

Thursday, May 8, 2025 – 5:30 p.m.

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

#### **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: 894 2315 8037 and Passcode: 798890. 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](mailto: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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#### COMMUNICATION ACCESS INFORMATION:

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## **RENT STABILIZATION BOARD**

### **LEGISLATION, IRA / AGA & REGISTRATION COMMITTEE MEETING**

**Thursday, May 8, 2025 – 5:30 p.m.**

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

#### **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 April 10, 2025 meeting (See attached).
5. Public Comment
6. Discussion and possible action regarding registration requirements for Section 8 units
7. Discussion and possible action regarding how change from property management to owner management may affect Tenant Associations under B.M.C. Section 13.76.135
8. Discussion and possible action regarding building-wide petitions
9. Discussion and possible action regarding adopting regulations related to Right to Organize when there are tenant employees on the property
10. Discussion and possible action regarding future agenda items
  - ➔ Adoption of standardized percentages for Decrease in Services petitions
  - ➔ Availability of vacancy information on the rent registry
11. Confirm next meeting date
12. Adjournment

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



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

**Monday, May 12, 2025 – 6:30 p.m.**

**Rent Stabilization Board Conference Room A – 2000 Center Street, 4th floor, Berkeley, CA**

**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: 812 8773 2749 and Passcode: 040508. 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 [corozco@berkeleyca.gov](mailto:corozco@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 4:30 p.m. on the day of the Committee meeting in order to be included.**

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

**Monday, May 12, 2025 – 6:30 p.m.**

**Rent Stabilization Board Conference Room A – 2000 Center Street, 4th floor, Berkeley, CA**

**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 Chochoenyó (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. Review and approval of April 14, 2025 Meeting Minutes (2 min.)
5. Public Comment (5 min.)
6. Tenant Survey (5 min.)
7. Rent Board Outreach Staff Report (5min.)
8. General Measure BB Outreach (5min.)
9. Webinar about Organizing/Tech Assistance (5min.)
10. Landlord Brown bag Outreach (10min)
11. Outreach Committee Work Plan (10 min.)
12. Next Meeting Date (2 min.)
13. Future Agenda Items (5 min.)
14. Adjournment (2 min.)

**STAFF CONTACT: Carla Orozco, Community Development Project Coordinator (510) 981-4934**

**COMMITTEE:** Andy Kelley (Chair), Vanessa Marrero, Ida Martinac, Alfred Twu