

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

**Thursday, October 9, 2025 – 6:30 p.m.**

**Rent Stabilization Board Conference Room B – 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.**

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/81952458837?pwd=r6R66y2QDyrtnpASKa8Wa41JiIef5K.1>. If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "Rename" to rename yourself to be anonymous. To request to speak, use the "Raise Hand" icon by rolling over the bottom of the screen.

**To join by phone:** Dial 1-669-900-6833 and enter Webinar ID: 819 5245 8837 and Passcode: 109823. 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 4:30 p.m. on the day of the Committee meeting in order to be included.**

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

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



**COMMUNICATION ACCESS INFORMATION:**

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

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



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

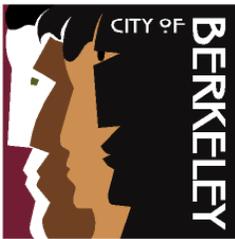
**Thursday, October 9, 2025 – 6:30 p.m.**

**Rent Stabilization Board Conference Room B – 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 July 22, 2025 meeting – See attached
5. Public Comment
6. Discussion and possible action to recommend that full Board approve publication of the 2026 Annual General Adjustment at the October 16, 2025 meeting (see attached Staff Report)
7. Discussion and possible action to recommend that full Board approve the 2026 Annual Inflationary Adjustment of the Owner Move-In and Ellis Act Relocation Assistance payments at the October 16, 2025 meeting (see attached Staff Report)
8. Discussion and possible action regarding rent ceiling increases for government-subsidized tenancies that are now subject to rent control due to the Ordinance amendments of Measure BB (see attached Staff Report)
9. Discussion and possible action regarding future agenda items
10. Confirm next meeting date
11. Adjournment

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



Rent Stabilization Board

**RENT STABILIZATION BOARD**

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

**Tuesday, July 22, 2025 – 5:30 p.m.**

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

**Minutes – Unapproved**

1. Roll call: General Counsel Brown opened the meeting at 5:42 pm.  
Members Present: Elgstrand, Mizell, and Alpert. Martinac absent.  
Staff Present: D. Williams, M. Brown, O. Ehlinger
2. Land Acknowledgment Statement: The recording of the Land Acknowledgment Statement was played.
3. Approval of the agenda: Motion to approve the agenda. Carried 3-0-0-1
4. Approval of the minutes of the June 24, 2025 meeting: Motion to approve. Carried 3-0-0-1
5. Public Comment: No members of the public offered comment.
6. Discussion and possible action regarding rent ceiling increases for government-subsidized tenancies that are now subject to rent control due to the Ordinance amendments of Measure BB: The Committee discussed the possible creation of a petition process for landlords of subsidized units that are now subject to a rent ceiling which would allow those landlords to increase the rent ceiling of a fully covered rental unit to match the subsidy program maximum rent. Four members of the public offered comment. Motion to direct staff to draft a proposed regulation that would allow landlords of fully covered rental units in the Shelter Plus Care and Housing Choice Voucher Programs to petition for a rent ceiling increase to the applicable subsidy program maximum rent if: 1) the increase would be allowable under the subsidy program rules; 2) the landlord has fully registered with the Rent Board; 3) the tenant household will not face an increase in its rent portion; and 4) the rental unit meets habitability standards. Carried 3-0-0-1.
7. Discussion and possible action regarding future agenda items: The Committee indicated it would agendize changes to the waiver process at a future meeting.
8. Confirm next meeting date: The Committee agreed to meet on September 11, 2025, at 5:30 pm.
9. Adjournment: Motion to Adjourn. Carried: 3-0-0-1. Meeting adjourned at 6:38 p.m.

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

COMMITTEE: Soli Alpert (Chair), Stefan Elgstrand, Ida Martinac and Nathan Mizell



Rent Stabilization Board  
Legal Unit

## MEMORANDUM

**DATE:** October 9, 2025

**TO:** Honorable Members of the LIRA Committee

**FROM:** Matt Brown, General Counsel

**SUBJECT:** 2026 ANNUAL GENERAL ADJUSTMENT STAFF REPORT

### Recommendation

That the LIRA Committee recommend that the Board adopt a resolution to publish and publicize that, pursuant to Berkeley Municipal Code section 13.76.110, the annual general adjustment (AGA) of rent ceilings for 2026 is an upward adjustment of **1.0%**.

#### **I. Background**

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

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

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

down to the nearest tenth decimal place and numbers of .05 and above shall be rounded up to the nearest tenth decimal place. In no event shall the allowable annual adjustment be less than zero (0%) or greater than five percent (5%). The Rent Board is required to publish and publicize the annual general adjustment on or about October 31<sup>st</sup> of each year.

The U.S. Department of Labor, Bureau of Labor Statistics, has reported that for the twelve-month period ending June 30, 2025, the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose region increased from 351.064 to 356.460, an increase of 5.396 points. Thus, the relevant CPI from June 2024 (351.064) to June 2025 (356.460) has increased by 1.5%.<sup>1</sup> (See Attachment 1.) Under Berkeley Municipal Code section 13.76.110.A, the AGA for 2026 is **1.0%** (i.e., 65% of 1.5 = 1.0 rounded to the nearest tenth decimal place).

Accordingly, effective January 1, 2026, the 2025 rent ceilings for all controlled rental units, except those for which an initial rent was established between January 1, 2025 and December 31, 2025, shall be increased by **1.0%**.

### **III. Conditions for Taking the Annual General Adjustment**

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

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

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

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

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

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

#### IV. Staff Review

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

#### **Attachments**

1. U.S. Department of Labor, Consumer Price Index, All Urban Consumers (CPI), San Francisco-Oakland-San Jose, CA., All items, June 2020 - June 2024
2. Proposed Resolution 25-XX Confirming that the 2026 Annual General Adjustment Increases Rent Ceilings by **2.1%** and Publishing the 2026 AGA as Regulation 1148
3. Proposed 2025 Annual General Adjustment (AGA) Order – Regulation 1148



U.S. BUREAU OF LABOR STATISTICS

## Databases, Tables &amp; Calculators by Subject

Data extracted on: August 11, 2025 (1:29:24 PM)

## CPI for All Urban Consumers (CPI-U)

**Series Id:** CUURS49BSA0

Not Seasonally Adjusted

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

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2021		304.387		309.419		309.497		311.167		313.265		315.805	309.721	306.724	312.718
2022		320.195		324.878		330.539		328.871		332.062		331.222	327.060	323.408	330.711
2023		337.173		338.496		340.056		340.094		341.219		339.915	339.050	337.689	340.411
2024		345.151		351.247		351.064		349.290		349.370		348.001	348.417	347.857	348.977
2025		354.432		355.707		356.460								354.522	

## 12-Month Percent Change

**Series Id:** CUURS49BSA0

Not Seasonally Adjusted

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

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2021		1.6		3.8		3.2		3.7		3.8		4.2	3.2	2.5	3.9
2022		5.2		5.0		6.8		5.7		6.0		4.9	5.6	5.4	5.8
2023		5.3		4.2		2.9		3.4		2.8		2.6	3.7	4.4	2.9
2024		2.4		3.8		3.2		2.7		2.4		2.4	2.8	3.0	2.5
2025		2.7		1.3		1.5								1.9	

**RESOLUTION 25-XX**

**CONFIRMING THAT THE 2026 ANNUAL GENERAL ADJUSTMENT (AGA) INCREASES RENT CEILINGS BY 1.0 PERCENT AND ORDERING THAT THE 2026 AGA BE PUBLISHED AS REGULATION 1148**

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

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

**WHEREAS**, the U.S. Department of Labor, Bureau of Labor Statistics, has reported that the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region for the twelve-month period ending June 30, 2025, has increased by 1.5 percent from 351.064 to 356.460; and,

**WHEREAS**, 65 percent of 1.5 percent results in an upward adjustment of 1 percent, when rounded as required by Berkeley Municipal Code section 13.76.110; and,

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

**NOW, THEREFORE BE IT RESOLVED** by the Rent Stabilization Board that the 2026 Annual General Adjustment of 1.0% shall be published as Rent Board Regulation 1148 and that Rent Board staff shall publicize the 2026 Annual General Adjustment in a manner reasonably determined to notify all affected persons of the terms of the 2026 Annual General Adjustment no later than November 30, 2025.

Dated: October 16, 2025

Adopted by the Rent Stabilization Board by the following vote:

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

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

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

1148. ANNUAL GENERAL ADJUSTMENT ORDER FOR 2026

(A) In accordance with Section 11 of the Rent Stabilization and Eviction for Good Cause Ordinance as amended and Board Regulation 1100, the Rent Stabilization Board hereby adjusts the Year 2025 Rent Ceilings (exclusive of temporary increases in rent ceilings) upward by 1.0% for all rental units covered by the Ordinance, except those rental units for which an Initial Rent was established pursuant to the Costa-Hawkins Rental Housing Act on or after January 1, 2025.

The Year 2025 Rent Ceiling is defined as the Base Rent Ceiling established in Section 10 of the Ordinance or, for units where an Initial Rent was established between January 1, 1996 and December 31, 2024, the last Initial Rent established pursuant to the Costa-Hawkins Rental Housing Act, plus any adjustment of the Base Rent Ceiling granted by the Board.

(B) The adjustment granted by this Order shall become effective on January 1, 2026, provided the landlord is otherwise entitled to the adjustment pursuant to the provisions of the Ordinance and this Order. The rent ceiling adjustment granted herein shall not apply to the rent ceiling of any rental unit for which an Initial Rent was established pursuant to the Costa-Hawkins Rental Housing Act on or after January 1, 2025.

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

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

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

Thirty-Day Notice of Rent Increase

This notice is provided pursuant to the 2026 Annual General Adjustment (AGA) Order of the Rent Stabilization Board.

Tenant's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Unit No. \_\_\_\_\_

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

**[The 2026 AGA Order adjusts 2025 rent ceilings by 1.0%]**

Your rent will increase by \$ \_\_\_\_\_ pursuant to the 2026 AGA Order.

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

Advice concerning this Notice and the rental history of the unit is available from the Rent Stabilization Board Public Information Unit, 2000 Center Street, Suite 400 Berkeley, CA 94704, from 9:00 a.m. to 2:00 p.m., Monday, Tuesday, Thursday and Friday, telephone (510) 981-7368.

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Date

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Landlord/Manager

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

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

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

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

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

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

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

(H) The amount of this general adjustment for which the landlord shall be eligible shall decrease by ten percent (10%) per month for each month beyond October 1, 2025, for which the landlord fails to register. A landlord who is ineligible to raise rents under this general adjustment due to a violation of one or more of the conditions of subsection (G) shall be able to raise rents under this adjustment in future years upon correction of the condition and substantial compliance with the Ordinance in accordance with Civil Code section 1947.7.



Rent Stabilization Board  
Legal Unit

## MEMORANDUM

**DATE:** October 9, 2025

**TO:** Honorable Members of the LIRA Committee

**FROM:** Matt Brown, General Counsel

**SUBJECT:** 2026 Inflationary Adjustments of Relocation Assistance Payments

### **Recommendation**

That the LIRA Committee recommend that the Board adopt Resolution 25:XX to publish that, pursuant to Berkeley Municipal Code sections 13.76.130.A.8.h (Owner Move-In), and 13.77.055.A.2 (Ellis Act), the relocation assistance payments set forth in sections 13.76.130.A.8.g (Owner Move-In) and 13.77.055.A (Ellis Act) shall increase by 1.5% effective January 1, 2026.

### **I. Background**

Section 13 of the Rent Stabilization Ordinance, codified at Berkeley Municipal Code (B.M.C.) section 13.76.130.A.8, requires relocation assistance payments by landlords to tenants in the event of an Owner Move-In eviction. Adopted by Berkeley voters in November of 2016, Measure AA amended section 13.76.130.A.8 to both increase the amount of the relocation assistance payments, and to index the payments to inflation. On October 20, 2016, the Berkeley City Council amended the Ellis Act Implementation Ordinance (Chapter 13.77) to require the same relocation assistance payment amounts and the same inflation adjustments.

### **II. Computing Relocation Assistance Payments in Accordance with Berkeley Municipal Code Sections 13.76.130.A.8.h. and 13.77.055.A.2**

Effective December 20, 2024, the relocation assistance payment amounts for Owner Move-In evictions shall be increased by the percentage increase in the Consumer Price Index-All Urban Consumers in the San Francisco-Oakland-San Jose Region for the 12-month period ending June 30, of the prior year, as published by the United States Department of Labor. Any increase shall be published by the Board on or before October 31st of each year. The same provisions apply to Ellis Act Relocation Assistance Payments, which shall annually increase by the same criteria. (B.M.C.)

13.77.055.A.2.)

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

The U.S. Department of Labor, Bureau of Labor Statistics, has reported that for the twelve-month period ending June 30, 2025, the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland-San Jose region increased from 351.064 to 356.460, an increase of 5.396 points. Thus, the relevant CPI from June 2024 (351.064) to June 2025 (356.460) has increased by 1.5%.<sup>1</sup> (See Attachment 1.)

The current relocation assistance payment amounts are \$19,126 for standard relocation and an additional \$6,375 for qualifying tenant households. In accordance with the 1.5% increase in CPI, effective January 1, 2026, the relocation assistance payment amounts set forth in section 13.76.130.A.8.g. (Owner Move-In), are increased to \$19,413 for the standard relocation payment with an additional \$6,471 for qualifying tenant households following Board action to approve the attached Resolution. Likewise, the relocation assistance payment amounts set forth in section 13.77.055.A (Ellis Act) shall be \$19,413 for the standard relocation payment with an additional \$6,417 for qualifying tenant households following Board action to approve the attached Resolution.

### **III. Staff Review**

Staff has reviewed the Consumer Price Index figures published by the U.S. Department of Labor, Bureau of Labor Statistics and confirms that, pursuant to Berkeley Municipal Code sections 13.76.130.A.8.h (Owner Move-In), and 13.77.055.A.2 (Ellis Act), the 2025 relocation payments are subject to an increase of 1.5% effective January 1, 2026. Staff recommends that the Board adopt Resolution 25-XX to publish the 2026 Relocation Assistance Payment Amounts no later than October 31, 2025, and to direct staff to advise the interested public regarding these changes.

#### Attachments

1. U.S. Department of Labor, Consumer Price Index, All Urban Consumers (CPI), San Francisco-Oakland-San Jose, CA., All items, June 2021 - June 2025.
2. Proposed Resolution 25-XX Confirming that the 2025 Relocation Assistance Payments for Owner Move-In and Ellis Act Shall Increase by 1.5 Percent Effective January 1, 2026 and Publishing the 2026 Relocation Payment Amounts.

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<sup>1</sup> While the actual difference is 1.537%, it has been the Board's practice to base the 65% calculation on the CPI percentage increase rounded to the nearest tenth decimal place.



U.S. BUREAU OF LABOR STATISTICS

## Databases, Tables & Calculators by Subject

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**Area:** San Francisco-Oakland-Hayward, CA

**Item:** All items

**Base Period:** 1982-84=100

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

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### 12-Month Percent Change

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**Area:** San Francisco-Oakland-Hayward, CA

**Item:** All items

**Base Period:** 1982-84=100

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

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2023		5.3		4.2		2.9		3.4		2.8		2.6	3.7	4.4	2.9
2024		2.4		3.8		3.2		2.7		2.4		2.4	2.8	3.0	2.5
2025		2.7		1.3		1.5								1.9	

**RESOLUTION 25-XX****CONFIRMING THAT THE 2026 RELOCATION ASSISTANCE PAYMENTS FOR OWNER MOVE-IN AND ELLIS ACT EVICTIONS SHALL INCREASE BY 1.5 PERCENT EFFECTIVE JANUARY 1, 2026, AND PUBLISHING THE 2026 RELOCATION PAYMENT AMOUNTS**

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

**WHEREAS**, Section 13 of the Rent Stabilization Ordinance, codified as Berkeley Municipal Code section 13.76.130.A.8, provides that effective January 1<sup>st</sup> of each year, the Relocation Assistance Payments required for Owner Move-In Evictions may be adjusted by the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve month period ending the previous June 30; and,

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

**WHEREAS**, the U.S. Department of Labor, Bureau of Labor Statistics, has reported that the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region for the twelve-month period ending June 30, 2025, has increased by 1.5 percent from 351.064 to 356.460; and,

**WHEREAS**, a 1.5 percent increase in the current Owner Move-In and Ellis Act Relocation Assistance Payment Amounts of \$19,126 and an additional \$6,375 for eligible tenant households yields a 2026 Relocation Assistance Payment amount of \$19,413 and an additional \$6,471 for qualifying tenant households; and,

**WHEREAS**, both Berkeley Municipal Code sections 13.76.130.A.8.h (Owner Move-In) and 13.77.055.A.2 (Ellis Act) mandate that the Rent Board publish any change in the Relocation Payment Amounts no later than October 31<sup>st</sup> of each year,

**NOW, THEREFORE BE IT RESOLVED** by the Rent Stabilization Board that the 2026 Relocation Assistance Payments required for Owner Move-In evictions and Ellis Act evictions shall be adjusted upward by 1.5% effective January 1, 2026, and Rent Board staff shall publicize the 2026 Relocation Assistance Payments in a manner reasonably determined to notify all affected persons. A 1.5 percent increase in the current Owner Move-In and Ellis Act Relocation Assistance Payment Amounts of \$19,126 and an additional \$6,375 for eligible tenant households yields a 2026 Relocation Assistance Payment amount of \$19,413 and an additional \$6,471 for qualifying tenant households.

**RESOLUTION 25-XX**

**CONFIRMING THAT THE 2026 RELOCATION ASSISTANCE PAYMENTS FOR OWNER MOVE-IN AND ELLIS ACT EVICTIONS SHALL INCREASE BY 1.5 PERCENT EFFECTIVE JANUARY 1, 2026, AND PUBLISHING THE 2026 RELOCATION PAYMENT AMOUNTS (Page 2)**

Dated: October 16, 2025

Adopted by the Rent Stabilization Board by the following vote:

YES:

NO:

ABSTAIN:

ABSENT:

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

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



Rent Stabilization Board  
Legal Department

**DATE:** October 9, 2025

**TO:** Honorable Members of the LIRA Committee

**FROM:** Matt Brown, General Counsel

**SUBJECT:** Proposed Regulation 1283 (Individual Rent Adjustment for Certain Government-Subsidized Tenancies)

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**Recommendation**

That the Committee review and offer comment on staff's working draft of Regulation 1283 and direct staff to return to the Committee with a finished version that incorporates the Committee's comments and stakeholder concerns.

**Background**

The Committee and a number of stakeholders have expressed interest in adopting a regulation that would allow landlords of fully-covered units rented under certain subsidy programs to raise the rent ceiling to the maximum amount allowed by that subsidy program.

Prior to the amendment of the Rent Stabilization Ordinance at the November 2024 General Election (Measure BB), many subsidized rental units were exempt from the rent control and registration sections of the Ordinance through a specific exemption for units leased to tenants assisted under the Section 8, Shelter Plus Care, or other similar federally funded rent subsidy programs. Under these programs, the tenant household's portion of rent is generally 30% of their income. The total rent for the unit (often called the contract rent) is set based on the federal Department of Housing and Urban Development's (HUD) rent reasonableness market comparison process and may be increased annually by an amount based on HUD's Fair Market Rent calculations. The subsidizing agency pays the landlord the difference between the tenant household's portion of rent and the contract rent.

After the Berkeley voters adopted Measure BB, the Ordinance no longer exempts a rental unit solely because it is rented under the Section 8 or Shelter Plus Care programs. Therefore, many rental units in these programs are now fully covered by the Ordinance and subject a rent ceiling. Under Berkeley Municipal Code section 13.76.110, the rent ceiling for a fully covered unit increases annually at a rate of 65% of the change in the Consumer Price Index for the San

Francisco-Oakland-San Jose Region. In many years, this rate is lower than the annual rate of increase in HUD's Fair Market Rent calculations. Therefore, the landlord of a fully covered property rented in these subsidy programs may have a rent ceiling which is lower than the maximum contract rent the subsidy program would allow. Stakeholders voiced the concern that this may disincentivize landlords from participating in these programs.

At its July 22, 2025 meeting, the Committee discussed this topic and received input from the public. The Committee directed staff to draft a proposed regulation which allows landlords of fully covered rental units in the Section 8 Housing Choice Voucher Program and the Shelter Plus Care Program to petition for a rent ceiling increase to the applicable subsidy program maximum contract rent. A landlord would only be eligible for this rent ceiling increase if the landlord has fully registered the property, the rental unit meets applicable habitability standards, and any rent ceiling increase would not increase the tenant household's portion of rent.

Staff engaged with the Berkeley Housing Authority, which administers the Section 8 Housing Choice Voucher, and the City's Health, Housing, and Community Services Department, which administers the Shelter Plus Care Program, to determine each agency's process for evaluating a participating landlord's request for a contract rent increase. Although these programs have similar essential elements, there are operational differences between the two. These differences affect which how landlord would be able to prove their eligibility for this process. As a result of staff's initial conversations with these agencies, staff drafted a working version of proposed Regulation 1283.

Staff wishes to continue to refine the process in Regulation 1283 to ensure that it minimizes the burden on other agencies processing rent increase requests for units subject to a rent ceiling and streamlines the process of verifying landlord eligibility.

The text of proposed Regulation 1283 is below.

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**(PROPOSED) 1283. Individual Rent Adjustment for Certain Government-Subsidized Tenancies**

**(A) Purpose. The purpose of this regulation is to allow qualifying landlords of rental units under the Housing Choice Voucher Program and the Shelter Plus Care Program to raise the rent ceiling of such units to the maximum rent permitted by the government agency which administers each program.**

**Under both the Housing Choice Voucher and the Shelter Plus Care programs, tenant households select and rent units that meet program housing quality standards. Once the administering government agency (the public housing authority or "PHA" for the Housing Choice Voucher Program and the "recipient" for the Shelter Plus Care program) approves a tenant household's unit and tenancy, the PHA or recipient contracts with the owner to make rent subsidy payments on behalf of the family. A PHA or recipient may not approve a tenancy unless**

the rent is reasonable. The “contract rent” is the total rent paid to the landlord which is the sum of the tenant household’s portion and the PHA or recipient’s portion.

Subsidies in these programs are based on a local “payment standard” that reflects the cost to rent a unit in the local housing market. If the rent is equal or less than the payment standard, the tenant household pays 30 percent of its monthly income for rent; the subsidy from the PHA or recipient adjusts to make up the difference to the contract rent. Therefore, the contract rent can increase and not affect the tenant household’s portion of rent, so long as the contract rent remains below the payment standard.

Before this Chapter was amended in the November 2024 General Election, rental units under the Housing Choice Voucher Program and the Shelter Plus Care Program were exempt from the Registration, Rent Ceiling, and Rent Adjustment sections of this Chapter. This exemption applied as long as the rent demanded did not exceed the authorized Payment Standard, which, for purposes of the prior exemption, was the maximum monthly rental assistance potentially available to an assisted household before deducting the household share of income paid for rent and utilities as established by the Berkeley Housing Authority.

Following the November 2024 amendment to this Chapter, rental units under the Housing Choice Voucher Program and the Shelter Plus Care Program are now subject to Sections 10, 11, and 12 of the Ordinance, unless they qualify as Partially-covered as set forth in Berkeley Municipal Code section 13.76.050.B. or Fully-exempt units are set forth in Berkeley Municipal Code section 13.76.050.C. As a result, landlords of these rental units may only increase the contract rent to the rent ceiling, which increases as set by the annual general adjustment. The rent ceiling for a rental unit participating in these programs may be lower than the local payment standard or HUD Fair Market rent, if these two measures increase at a greater rate than the annual general adjustment. However, if the contract rent remains at or below the payment standard or HUD Fair Market rent, the tenant’s portion of rent would be no different than if the contract rent were set at the rent ceiling.

The Board received community comment that restricting the increase in contract rents to the annual general adjustment may disincentivize landlords from participating in these programs while allowing the contract rent to reach the payment standard or fair market rent would not increase the tenant household’s portion. Therefore, the Board promulgated this regulation to allow a rent ceiling increase to qualifying rental units that reflects the allowable contract rent increases to landlords participating in these programs.

(B) Qualifying Units and Allowable Rent Increase A rental unit is a qualifying unit if it is a Fully-covered Unit under Berkeley Municipal Code section 13.76.050.A and is currently rented under the Housing Choice Voucher Program or the Shelter Plus Care Program.

Qualifying units shall be eligible to an increase in rent ceiling under this regulation up to the maximum contract rent permitted by the government agency which administers the program if all of the following conditions are met:

- (1) The rent ceiling increase is reasonable as determined by:
  - (a) The Berkeley Housing Authority in accordance with 24 CFR 982.507(a)(2)(i) for Housing Choice Voucher tenancies; or
  - (b) The City of Berkeley Health, Housing and Community Services Department in accordance with 24 CFR 582.305(b) for Shelter Plus Care tenancies.
- (2) For Housing Choice Voucher tenancies, the rent ceiling increase will not lead to an increase in the Family Share of the contract rent as defined in 24 CFR 982.515.
- (3) The rental unit is in compliance with the implied warranty of habitability. Such compliance means the unit substantially complies with:
  - (a) Housing Quality Standards, as defined in 24 CFR 982.401 or any subsequent set of federal habitability standards;
  - (b) the City of Berkeley's building, housing and health codes which materially affect the health and safety of tenant; and
  - (c) applicable state law, including but not limited to Civil Code section 1941.1 and Health and Safety Code section 17920.3.
- (4) The landlord is in full compliance with the registration requirements as defined in BMC 13.76.080 and corresponding regulations for all Berkeley rental property subject to the Ordinance. A landlord is not in compliance with registration requirements for purposes of this section if the landlord is delinquent on registration fees or penalties for any property in the City of Berkeley.

(C) Petition and Process

(1) Landlords of qualifying units may petition for individual rent adjustments pursuant to this section on a form prescribed by the Board. The petition must be accompanied by supporting documentation establishing the rental unit's eligibility for a rent increase. The petition shall be served on tenants pursuant to Regulation 1205(B)(1).

(2) The petition may be accompanied by a form prescribed by the Board and signed by all tenants in the rental unit that indicates all tenants have agreed to the contract rent increase, are informed that such an increase will not affect the tenant household's portion of the rent, and waived their right to a hearing. If the petition is not accompanied by such a form, the Board shall notify each tenant as set forth in Section (C)(3) of this regulation.

(3) The Board shall notify each tenant of a unit subject to a petition under this section following receipt of the petition. The notice shall state that the tenant has a right to object to the petition, and that if the tenant does not object within the time allowed, or the tenant's objection does not specify one or more grounds listed in section (D), the rent for the tenant's unit may be increased by the applicable amount under subsection (B) of this regulation, based on the information in the landlord's petition and the Board's files without further hearing.

(4) No rent increase pursuant to this regulation shall be effective until approved by the

appropriate government agency and properly noticed under state law.

(D) Grounds for Tenant Objection. Tenants subject to petitions under section (C) may file objections with the Board within 15 working days of the date the Board gives notice that the petition has been filed. The Board shall not charge a fee to file tenant objections. Such objections must be made on the grounds that the rental unit does not meet one or more of the eligibility factors set forth in section (B) of this regulation.

(E) Successor Administering Agencies. At the time of the adoption of this Regulation, the public housing agency which administers the Section 8 voucher program within the City of Berkeley is the Berkeley Housing Authority.

At the time of the adoption of this Regulation, the Recipient, as defined by the 24 CFR section 582.5, of the Shelter Plus Care grant within the City of Berkeley is the City of Berkeley through the Health, Housing, and Community Services Department.

This regulation shall apply to the processes and rent reasonableness determinations of any successor public housing agencies or recipients.

**Name and Telephone Number of Contact Person**

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