



LEGISLATION, IRA / AGA & REGISTRATION COMMITTEE MEETING

Tuesday, September 15, 2026 – 6:00 p.m.

Berkeley Rent Board Conference Room A – 2000 Center Street, Suite 400, Berkeley, CA 94704

Public Participation

This meeting will be conducted in a hybrid model with both in-person and remote participation, and 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.

To access this meeting by Zoom

[Join from a PC, Mac, iPad, iPhone, or Android device](#). If you do not want your name to appear on the screen, 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: 853 1747 8805, Passcode: 900599. To comment during the public comment part of the agenda, Press *9 and wait to be recognized by the Committee Chair.

Email comments

Email comments must be submitted to mbrown@berkeleyca.gov by **4:00 p.m.** on the day of the meeting in order to be considered by the Committee and included in the public record. Format your subject line: "PUBLIC COMMENT ITEM FOR LIRA COMMITTEE." Please observe a 150-word limit. Time limits on public comments will apply.

Decorum

All rules of procedure and decorum apply for both in-person attendees and those participating remotely. Attendees at public meetings are reminded that other attendees may be sensitive to various scents. Please help the City respect these needs.

Communications 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.



AGENDA: LEGISLATION, IRA / AGA & REGISTRATION COMMITTEE MEETING

Tuesday, September 15, 2026 – 6:00 p.m.

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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 uncaded 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 July 14, 2026 meeting minutes – see attachment
5. Discussion and possible action regarding amending Regulation 403.5 to address security issues associated with room locks – see attachment
6. Discussion and possible action regarding amending Regulations 1206 and 1269 to address time limitation for filing rent increase petitions for added space/services – see attachment
7. Discussion and possible action to adopt a Regulation mandating paperless billing for certain properties
8. Discussion and possible action to adopt a Regulation establishing a “prove up” hearing procedure where a party fails to object or does not appear
9. Confirm next meeting date
10. Adjournment

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

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

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accommodation for the

LIRA Committee (Legislation, Individual Rent Adjustment (IRA) / Annual General Adjustment (AGA) & Registration), please contact

General Counsel Matt Brown at

mbrown@berkeleyca.gov



LEGISLATION, IRA / AGA & REGISTRATION COMMITTEE MEETING

Tuesday, July 14, 2026 – 5:30 p.m.

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Minutes-Unapproved

1. Roll call- General Counsel Brown called the roll at 5:37. All present.
2. The Land Acknowledgment Statement was played.
3. Election of Committee Chair: Chair Alpert nominated himself. There were no other nominees. Chair Alpert was elected Committee Chair. 4-0-0-0.
4. Approval of the agenda: Agenda approved via voice vote with no dissent.
5. Discussion and possible action regarding security in rooming houses. The Committee discussed the item and requested staff return with revised regulation language to effectuate a requirement that all rooming houses provide unique locks on each individual unit at the September meeting. No formal action taken.
6. Discussion and possible action regarding timing of petitions brought under Regulation 1269(A). The Committee discussed the item and requested staff return with revised regulation language to effectuate a two-year period to commence petitions for a rent ceiling increase based on increased space or services. No formal action taken.
7. Confirm next meeting date. The Committee set September 10, 2026 at 6:00 pm as its next meeting.
8. Adjournment- The Committee adjourned by voice vote with no dissent at 6:22 pm.

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

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

403.5 Rooming House; definition

(A) Background and Purpose. Since the Board passed Regulation 403 in 1998 a number of questions have arisen regarding the definition of “rooming house.” The Board has always defined a rooming house to mean a building with at least five rooms that are rented to at least five individuals with at least five separate leases. This Regulation is meant to clarify the specific requirements to be considered a rooming house. Since 1998, the Board has intended to make this definition consistent with the definition of “rooming house” in the City’s Zoning Ordinance (Berkeley Municipal Code Section 23F.04.010) and this continues to be the Board’s intention.

This regulation will lower the number of rooms required for a rental unit to qualify as a rooming house in multi-unit properties. Units in multi-unit properties with four or more rooms will qualify as rooming houses (assuming the other conditions are satisfied). This does not stray from the definition of rooming houses in B.M.C. 23F.04.010 as there will still be five or more rooms on the entire property.

Unlike other group living arrangements where the remaining tenants choose tenants to replace those who vacate the unit, rooming houses allow the landlord or his agent to maintain control over who rents each room/unit within the rooming house. A landlord may not, however, rent an entire property under a single lease as a means to avoid registering the unit as a rooming house. The Board will examine whether the landlord is renting to a household or group living arrangement conceived and brought together by the occupants when determining whether a unit qualifies for any claimed exemption.

(B) Rooming House. For purposes of this subchapter, a rooming house shall consist of a rental unit on a property which ~~property~~ contains at least five rooms rented individually to at least five tenants under separate rental agreements. Each room in a rooming house must be individually registered with the Board as a separate rental unit. Each time a tenant permanently surrenders possession of a rental unit in the rooming house, the landlord is entitled to a vacancy rent adjustment subject to the restrictions of Chapter 10 of these regulations. The landlord or his agent shall maintain control over who occupies the various rental units within the rooming house as they become vacant. Use of a single lease will not convert a rooming house into a group living arrangement if the landlord or his agent maintains control over tenant replacement.

(1) Single Family Homes A single family home must contain at least five separately rented rooms to be considered a rooming house.

(2) Multi-Unit Properties A unit within a multi-unit property may be rented as a rooming house provided the rental unit to be rented as a rooming house contains at least four separately rented rooms.

(3) A landlord may not compel the tenants or sub-tenants to sign separate agreements in order to qualify as a rooming house if a single lease agreement remains in effect, or the tenants are living under a group living arrangement as defined by Chapter 10 of these regulations. If the tenants and landlords agree, however, the parties may voluntarily choose to convert their tenancy from a group living arrangement with one lease agreement to a rooming house with multiple agreements if the unit otherwise qualifies.

(C) Unique room locks required Beginning January 1, 2027, the landlord of any property that contains a rooming house as identified in Sections (B)(1) and (B)(2) of this regulation must install a unique lock with a separate key for each room that is rented to an individual tenant under a separate lease. In instances where individual rooms have electronic locks operated via keypad, the landlord shall assign a unique code to each individually rented room in the rooming house. The failure of a landlord to comply with this section shall support a petition for a rent ceiling reduction under Regulation 1269(B)(3).

(D) Exemption under B.M.C. 13.76.050F. (Owner-occupied duplex)
13.76.050.C(9) (Golden Duplex Exemption). If a property owner otherwise qualifies for an exemption under B.M.C. Section ~~13.76.050F.~~ 13.76.050.C.9, the property owner is entitled to claim that exemption if the other unit on the property contains four or fewer separately rented rooms.

(~~D~~E) Disputes regarding rooming house designation. A tenant who claims that a rental unit must be registered as a rooming house under this regulation may obtain review of the unit's status by filing a tenant petition for rent withholding for non-registration as outlined in Regulation 522. A landlord or tenant who disputes the landlord's eligibility to establish the rental unit's initial rental rate as allowed by the Costa-Hawkins Rental Housing Act (Civil Code Section 1954.50, et seq.) under this regulation may file a petition under Regulation 1018.

[Effective Date: Nov. 21, 2011.]

1206. Acceptance of Petitions

(A) Except as provided below in Subsection (C), no landlord petition for an individual rent adjustment will be accepted for filing unless the unit for which the adjustment is requested has been properly registered for at least 30 days. A unit is considered properly registered only if the completed registration statement has been filed with the Board, and the registration fee (plus any late fee) has been paid in full.

(B) No landlord petition for an individual rent adjustment will be accepted for filing unless the landlord has completed the provision of the petition form certifying that all security deposits for the units for which the adjustment is requested have been placed in an interest-bearing account at an institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation.

(C) A landlord who is participating in the Shelter-Plus Care Program, 42 U.S.C. section 11403, is eligible to file an HLR petition, pursuant to Regulation 1280, at any time after he or she has filed a completed rent registration statement and paid all required registration fees (plus any late fee). Any HLR petition filed pursuant to this section shall be treated expeditiously by the Board.

(D) A petition by a former tenant pursuant to these Regulations shall be commenced within three years from the date the tenant vacated the unit in question.

(E) A petition by a landlord seeking the upward adjustment of a rent ceiling due to an increase in space or services under Regulation 1269(A)(1) and (2) for any space or service added on or after December 1, 2026, must be filed within two years of the date the landlord completed the addition of the habitable living space or non-habitable space to the unit or the date any increase in services provided to a unit was effective. In cases where there is a dispute as to the addition of space that requires a permit, the date on which the addition of space to a unit is completed shall be the date of final inspection approval by the City.

[Amended regulation effective 3/9/2001]

1269. Changes in Space or Services

(A) Increase in Space or Services. Rent ceilings may be adjusted upward when there is an increase to the usable space or the housing services beyond that which was provided to a unit on May 31, 1980 or when the base rent was first established.

1. Additional space. Where a landlord adds habitable living space to a unit, other than by merely reconfiguring existing residential rental space, the lawful rent ceiling for such unit shall be permanently increased by 1.042% of the cost of adding such additional space to the existing unit. The supporting documentation must substantiate the nature and cost of the claimed additional space and may include copies of invoices, signed contracts, material and labor receipts, self labor logs, proof of entitlement to skilled labor rate (if claimed), canceled checks or any other items of documentation accepted and used in the normal course of business. Reports which merely summarize or refer to undocumented expenditures are not, by themselves, adequate substantiation. Hearing Examiners shall weigh and evaluate the nature of the documentation submitted as substantiation, and may require additional proof. Evidence of compliance with applicable permit requirements and correction of any cited code violations may also be required.

For increases in space for which on-site construction commenced before April 17, 1995, the owner may elect, as an alternative to the rent adjustment set forth above, a permanent rent increase equal to \$1.00 per square foot of habitable living space added to the unit.

2. Additional services. Where a landlord adds non-habitable space or increases the services provided to a unit, the lawful rent ceiling for such unit shall be increased by an amount representing the market value of the additional space or increased services.

If the additional services and proposed rent adjustment are agreed to in writing by the landlord and tenants, the Board shall approve the proposed rent increase unless it can be shown that the agreement clearly violates the Ordinance. Increases may be denied if a tenant objects and the added space or services do not clearly benefit a majority of the affected tenants. If the additional space or services are subsequently reduced or eliminated, the rent increase authorized herein shall be reduced or terminated. If a rent increase is granted under this subsection, no additional rent increase shall be granted under Regulation 1264 or 1267 for materials or labor involved in providing the space or service. Any increase for an additional bedroom shall result in an increase to the base occupancy level for an additional occupant.

The addition of furniture or furnishings will not be considered an increase in services eligible for a permanent rent increase, but may be the subject of a separate agreement under Regulation 1012.

For any space or service added on or after December 1, 2026, any petition brought

under Regulation 1269(A)(1) and (A)(2) must be filed within two years of the date the landlord completed the addition of the habitable living space or non-habitable space to the unit or the date any increase in services provided to a unit was effective. In cases where there is a dispute as to the addition of space that requires a permit, the date on which the addition of space to a unit is completed shall be the date of final inspection approval by the City.

3. Utilities charged to tenants separately in leases that commenced after February 5, 2024.

Berkeley Municipal Code section 13.76.100.E prohibits a landlord from charging a tenant for any utility service separately from the base rent unless such utilities are individually-metered and required under to lease agreement to be in the tenant's name. If a lease entered into on or after

February 6, 2024 charges a tenant for one or more utility services, a landlord may petition under this section to adjust the rent ceiling to include the cost of utilities. Upon sufficient proof of such cost, the Hearing Examiner shall adjust the rent ceiling by an amount equal to the average monthly cost to the unit in question of such utilities in the most recent calendar year. If the landlord is unable to supply the average monthly cost for the unit in question, the landlord may present evidence of a reasonable estimate for the cost of such utilities.

(B) Decrease in Space or Services; Substantial Deterioration; Failure to Provide Adequate Services; Failure to Comply with Codes, the Warranty of Habitability or the Rental Agreement.

1. Decreases in Space or Services. Rent ceilings shall be adjusted downward where a landlord causes a tenant to suffer a decrease in housing services or living space, from the services and space that were provided at the unit on May 31, 1980, or from any additional services or space provided at the beginning of the tenancy pursuant to the rental agreement. For tenancies beginning after January 1, 1999, rent ceilings shall be adjusted downward only where a landlord causes a tenant to suffer a decrease in housing services or living space from that which was provided at the beginning of the tenancy pursuant to the rental agreement. It shall be presumed that any space or service provided at the beginning of the tenancy was provided pursuant to the rental agreement. The amount of the rent decrease is calculated by multiplying the percentage of impairment of the tenant's use of and benefit from the unit (as a result of the reduction in living space or housing services) by the rent ceiling in effect at the time of the impairment, and for past decreases, multiplied by the period of time the impairment existed. In determining the amount of the downward rent adjustment by the percentage of impairment of use/benefit method, the hearing examiner may consider the reasonable replacement cost of the space or service in question. Any rent ceiling reductions pursuant to this subsection shall terminate on the date of the first rent

payment due after adequate proof has been submitted to the Board that the space or service has been restored.

2. Denial of Petitions for Unilateral Removal. The Board will not accept petitions from landlords who seek a rent ceiling decrease for the unilateral removal or reduction of space or services from a tenant's base level space or services. Petitions shall be accepted only when a tenant has expressly agreed in writing to the removal of such space or services. "Base level space or services" are the housing services or living space that were provided at the unit on May 31, 1980, and any additional services or space provided at the beginning of the tenancy pursuant to the rental agreement; except that, for tenancies beginning on or after January 1, 1999, "base level space or services" are the housing services or living space that were provided at the beginning of the tenancy pursuant to the rental agreement.

3. Substantial Deterioration, Inadequate Services. Rent ceilings shall be adjusted downward for any substantial deterioration in a rental unit and/or for any failure to provide adequate housing services occurring during the petitioner's tenancy, including. The amount of the rent decrease is calculated by multiplying the percentage of impairment of the tenant's use of and benefit from the unit (as a result of the deterioration or failure to provide adequate service) by the rent ceiling in effect at the time of the impairment. For purposes of this subsection, a substantial deterioration means a noticeable decline in the physical quality of the rental unit resulting from a failure to perform reasonable or timely maintenance and adequate housing services means all services necessary to operate and maintain a rental property in compliance with all applicable state and local laws, including Regulation 403.5(C), and with the terms of the rental agreement.

4. Code Violations, Breach of the Warranty of Habitability. Rent ceilings shall be adjusted downward for any failure to substantially comply with applicable state rental housing laws, the warranty of habitability or local housing and safety codes. The amount of the rent decrease is calculated by multiplying the percentage of impairment of the tenants' use of and benefit from the unit (as a result of the violation, breach or failure to comply) by the rent ceiling in effect at the time of the impairment. Where a condition at the rental unit threatens the health or safety of the occupants but does not actually impair the use of the unit, the rent ceiling decrease shall be in an amount that reflects the reduction in value of the premises due to the unsafe or unhealthy condition. A substantial lack of any of the affirmative standard characteristics for tenantability set forth in Civil Code section 1941.1(a) shall be deemed a violation of the warranty of habitability and the rent ceiling shall be decreased by no less than 10% or, for a violation of subsections (2), (3) or (4) of Civil Code section 1941.1(a), no less than 20%, until the condition is corrected, notwithstanding seasonal variations in or an absence of impairment to a tenant's use of or benefit from the unit. The rent decrease authorized under this subsection for a violation of the warranty of habitability or for a code violation that poses a significant

threat to the health or safety of tenants (e.g., dangerous window bars, missing smoke detector) shall be automatically doubled prospectively if proof of correction of the violation is not submitted to the Rent Board within 35 days of mailing of the hearing examiner's decision unless the landlord establishes that the violation cannot be corrected within that time due to circumstances beyond the landlord's control. For purposes of this subsection, a breach of the warranty of habitability occurs when the rental premises are not in substantial compliance with applicable building and housing code standards, which materially affect health and safety. Minor housing code violations which do not interfere with bare living requirements do not constitute a breach of the warranty of habitability.

5. Rent ceiling reductions pursuant to subsections (3) and (4) of this regulation shall be effective from the date the landlord first had notice of the deteriorated condition, service inadequacy, or code or habitability violation in question and shall terminate on the date of the first rent payment due after adequate proof has been submitted to the Board that the condition for which the reduction was granted no longer exists. A tenant who files a petition pursuant to this regulation must be able to establish the basis for the reduction and when the landlord first received notice of the decreased service, deterioration, code or habitability violation. Notice may be actual or constructive. A landlord is deemed to have notice of any condition existing at the inception of a tenancy that would have been disclosed by a reasonable inspection of the premises. A copy of a housing code inspection report from the City of Berkeley department responsible for the residential rental inspection program should be submitted with the petition.

[Effective Date: 08/01/81; subsection (A) amended 05/05/91, 05/08/92, 06/09/95, 04/11/97; subsection (B) amended 04/11/97, 09/09/98, 04/05/99, 08/05/02, 08/18/03, amended subsection (B) and (B)1; subsection (B)2 added 11/18/13; amended subsection (B)4 to refer to correct sections of California State Civil Code section 1941.1 on 12/17/18, amended Section (B)5. to refer only to subsections (3) and (4) – 9/19/19; Amended on January 16, 2025 by adding subsection 3 in order to incorporate Rent Ordinance amendments from Measure BB which went into effect on December 20, 2024]