

CHANGES TO RENT STABILIZATION ORDINANCE

SUBJECT

MEASURE CC

VS.

MEASURE BB

Golden Duplexes

All two unit parcels in which an owner of record currently lives on site as their primary residence and rents the other unit, is fully exempt from the Rent Stabilization Ordinance.

Remains as is (current owner-occupied duplex where an owner of record on December 31, 1979 lived on the parcel as their primary residence).

Single Family Home Rentals

Tenants would not have local eviction protections and owner would not have to pay up to \$26,000 to reoccupy the home.

Remains as is (tenants do not have rent control under Costa Hawkins but do have eviction protections under local law).

Tenant Right To Organize

Tenants may organize and confer with the owner on housing services if at least 2/3 of tenants agree to do so. If requested, an owner must confer in "good faith."

If at least 50% of tenants agree, may organize as a Union and make owner come to table to negotiate. Rent Board has authority to reduce rent or give rent refund if owner was not deemed to have acted "in good faith" with the Tenant Union. Allows the Rent Board to define what "good faith" means.

Applicable for any property being managed by a property management company (including duplexes) or any property over 9 units.

Eviction for Nonpayment of Rent

Cannot give a 3-day notice until tenant is in arrears at least one month of the current monthly rent, or more than 90 days in arrears in total.

Cannot give a 3 day notice until the tenant is in arrears one month of fair market rent. If the tenant in unit that is well below fair market rent, could take months in arrears before owner could evict.

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Eviction for Violation of a Lease Term

Owners may evict for breach of lease if a new local/state law goes into effect and tenant is in violation (e.g. no smoking in units).

Makes it more difficult to evict if a tenant has violated the lease. Requires that there must be a "substantial violation of a material term of the lease *causing actual injury to the landlord*" to evict. Must prove "tenant's behavior was unreasonable."

Permanent Rent Relief

Takes 20% of Measure U1 funding (tax on large landlords) and directs it to a Rent Relief Fund. Establishes an oversight committee to direct money for payment of rent.

Would allocate at least \$1.18m per year for "housing retention" using Measure U1 money. Does not specify exact use of funds except to "prevent homelessness."

Maximum Rent Increases Under Rent Control

65% of CPI with a max cap of 7.1% at any given time.

65% of CPI with a max cap of 5% at any given time.

Charging Tenants for Utilities

Remains as is (owners may charge for utilities outside of the monthly rent, e.g. water that is not separately metered, charged on a reasonable per person usage basis).

Owner may NOT charge for utilities outside the monthly rent unless the utility is completely and separately metered.

Termination of Tenancy at Lease Renewal

Owner must give tenant at least 60 days' notice of opportunity to renew lease.

If tenant does not renew lease, they can stay without communicating or confirming plans with owner; all tenancies automatically convert to month-month unless tenant agrees otherwise. Owner must accept rent and accept term as M2M.

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| Owners Who Rent a Room to a Tenant | Remains as is under state law (owners who share a kitchen/bath with tenant exempt from rent control & eviction protections)". | Exemptions from rent control & eviction protections would only apply if owner lived there from the beginning of the tenancy. |
| Financial Fine for Owners Who Don't Register Tenancies | Remains as is (no financial penalty for not registering tenant, if not registered, owner is out of compliance and may not increase rent or evict). | Gives broad authority to Rent Board to levy a fine on landlords that do not notice the Rent Board of a new tenancy within 15 days of commencement of the tenancy. |
| Costa Hawkins Eradication | Remains as is (properties exempt from rent control for the first 20 years after issuance of Certificate of Occupancy). | Properties exempt from rent control for first 15 years after issuance of Certificate of Occupancy. <i>Could only occur if Costa Hawkins was eradicated at the state level.</i> |
| Filing of Eviction Notices & Unlawful Detainers with Rent Board | Remains as is (owners must file copy of eviction notice and/or Unlawful Detainer within 10 days of filing with court). | Shortens required filing period. Owners must file copy of eviction notice and/or Unlawful Detainer within 3 days of filing with court. |

Ad Paid for by Yes on Measure CC/No on BB, Berkeley Rental Housing Coalition
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