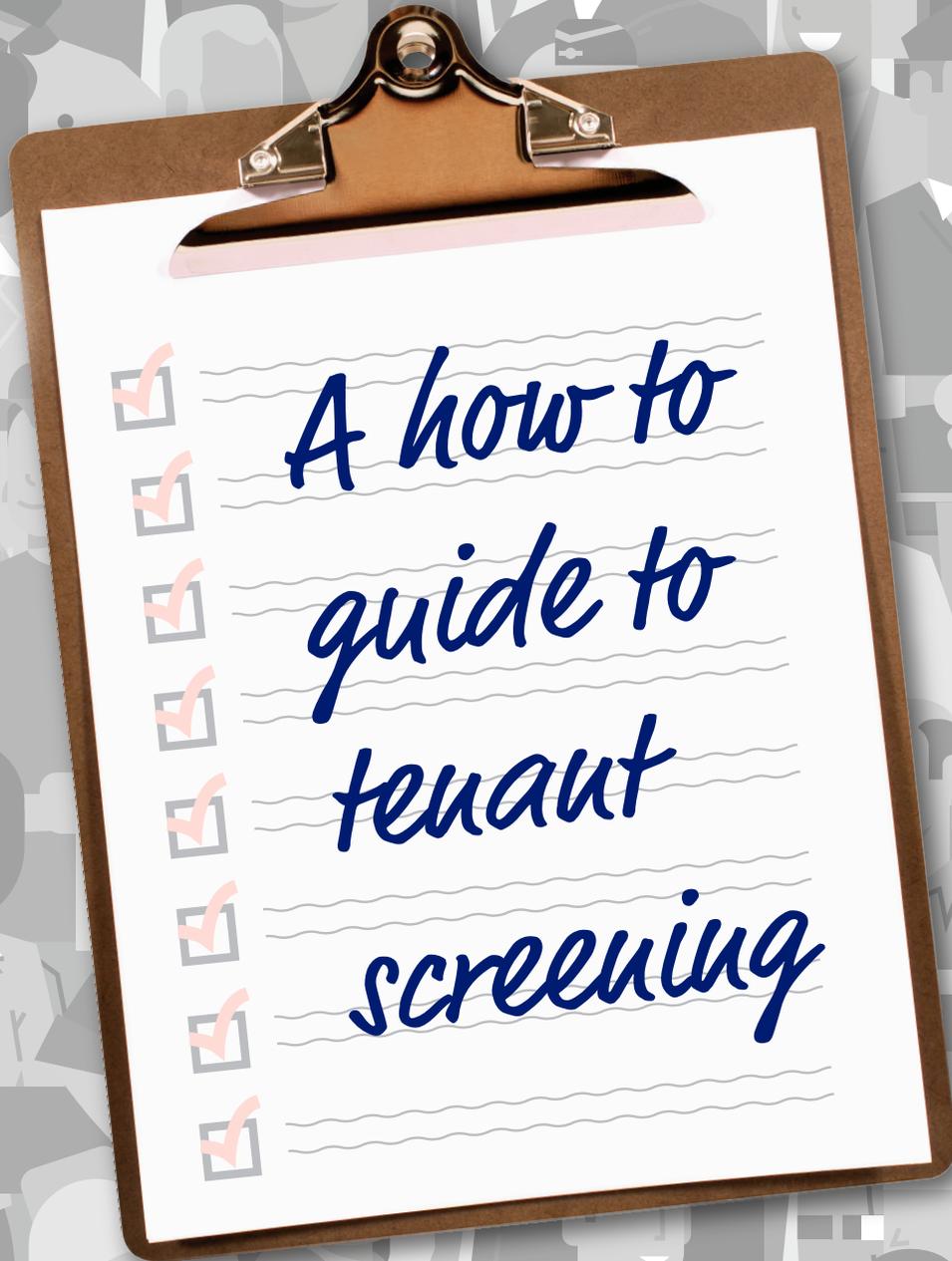


Rental. HOUSING

EAST BAY RENTAL HOUSING ASSOCIATION | OCTOBER 2019



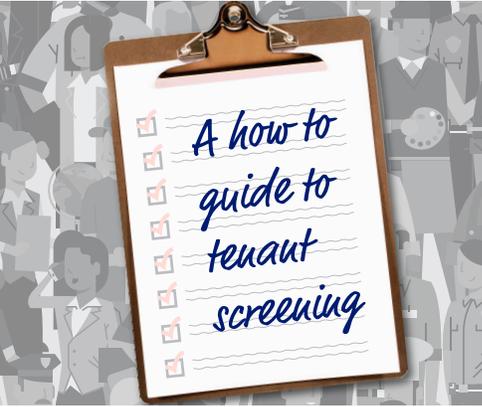
PLUS:
THE FUTURE OF HOUSING
TOP FIVE INSURANCE COVERAGES FOR
PROPERTY OWNERS



EBRHA
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OCTOBER 2019



COVERAGE
1

Have enough to rebuild your rental housing in the event of a total loss like a fire. Buy a policy with:

- Extended Replacement Cost 150% i.e. dwelling coverage \$300,000 is extended to \$450,000
- Building Code Coverage Law or Ordinance: 20% or more, i.e. \$300,000 is extended another \$60,000. Insurance policies have limits. Know your limits of coverage.

COVERAGE
2

LOSS OF RENTAL INCOME OR FAIR RENTAL VALUE

- Pays you in the event of a covered claim and the Tenant cannot live on the property and pay rent.
- How much do you need? For example if your rent is \$2000 per month, have enough to cover 24 months of. Especially if you own a condo or townhouse, go for 36 months. This is your income, protect it!

COVERAGE
3

WATER BACK UP AND OVERFLOW: BLOCKED DRAINS?

Most policies have limits and you can opt for higher limits, have at least \$7,500 or more to cover water back. Think of toilet overflow damage.

COVERAGE
4

LIABILITY COVERAGE

Have at least \$1 million dollars in coverage including coverage for:

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3:45 - 4:30 pm: "Navigating the RAP Board" - by Chane Frankin, Rent Adjustment Program

4:30 - 5:15 pm: "Whistleblower Program" - by Courtney Ruby, Oakland City Auditor

4:00 - 6:30 pm: "Seismic Retrofit Requirements" - by Rick Phillips & experts

7:00 pm: Event Closes

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Nathan has been a longtime member of East Bay Rental Housing Association, often volunteering on committees and during elections. Before joining EBRHA as the Association Executive, he served as Secretary of the EBRHA Board of Directors. An Oakland native, Nathan was a scholar-athlete at Sonoma State University before entering real estate. He and his wife are a mom-and-pop rental housing provider. Nathan now enjoys spending time with his family. Nathan relentlessly tracks housing-related policies, and has written and presented about many issues affecting East Bay rental housing. He has extensive personal experience with rent board petitions, a background of over ten years in commercial and rental property leasing and sales, and is a rental property owner/manager. He has assisted many rental property owners in some of the most strictly regulated markets, to better navigate local and state regulations. Nathan has a keen eye for fairness in policy and practice, and leads East Bay rental housing communities toward equitable solutions.



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Sid founded Everest Properties in 2003 to manage develop, acquire and reposition real estate throughout Northern California. When Sid transferred ownership of Everest in early 2013 to start Anchor Valley Partners, Everest was managing in excess of 3,300 student beds and more than 200,000 square feet of commercial office and retail space within a 1mile radius of the University of California Berkeley. At this time Everest was the largest student housing provider in Berkeley other than the University of California Berkeley. Within this portfolio, Sid led investment partnerships acquiring approximately 300 units and 600 student beds that he manages today under Anchor Valley Partner's operation arm, Square One Management. Sid serves on the Chancellors Task Force for Student Neighbor Relations at UC Berkeley. He was also the President of Berkeley Property Owners Association from 2009-2016 and is currently the President of the California Rental Housing Association- a statewide apartment owners association with more than 22,000 members. Sid received his B.S. from St. Mary's College in Moraga, California, a Post-Baccalaureate in Finance from Columbia University in New York, and a J.D. from Santa Clara University in Santa Clara, California. He is a licensed broker in the state of California and is a member of the State Bar in California..



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Grant Chappell is the Vice President of NAI Northern California. Since 2005, Grant has focused on East Bay apartment opportunities for his clients. Grant also serves on the Board of CEI, the Center for Elders' Independence, a local nonprofit providing PACE Care to seniors in Alameda County. In his free time, Grant enjoys skiing, golf, biking and traveling.



RYAN GREEN

My past, present, and future have me perpetually building experience with increasing complexity in logistical management (eg. trade show/event planning and; execution), developing S.M.A.R.T. programs with an eye for remaining specific and measurable throughout, recognizing the importance of not providing only three examples to demonstrate a point, and remembering to always put my most compelling messages at the beginning of the content.



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Ron Kingston is the EBRHA state lobbyist and president of the California Political Consulting Group. He has 30 years of lobbying experience and is one of the original writers of the state's Costa-Hawkins Act. He grew up in South Lake Tahoe and lives in Carmichael with his wife Sherrie, a financial planner. In his spare time, he cycles, skis and takes international scuba diving trips.

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Oakland News: Ballinger Case Dismissed

In January 2018, the Oakland City Council passed an enhanced version of eviction restrictions called the Uniform Relocation Ordinance. The law requires property owners to pay thousands of dollars to tenants when an owner reclaims possession of a unit in order to move back into their own property. The relocation ordinance, payments for which will increase each year, leaves owners little choice but to pony up regardless of the tenant's income or need for such relocation payments. The Oakland ordinance is patterned after those of San Francisco and Berkeley and requires additional fees should the household include minor children or tenants 60 years of age or older.

In the case of the Ballingers, their single-family residence was rented prior to the passage of the Relocation Ordinance. Both Ballingers are enlisted US servicemembers who had been transferred to the Washington D.C. area to serve for about two years. Upon returning they were surprised to find they had to pay the tenant nearly \$6,600 in relocation fees. They made the payment in order to be able to move back into their home, but because they considered the law to be an unfair taking, they decided to sue. In court they argued that being forced to pay a tenant in order to move back into their own home is an unconstitutional confiscation of property.

District Judge Haywood Gilliam Jr. sided, however, with the City of Oakland in his ruling and dismissed the case. In doing so he essentially found that the relocation fee was a lawful exercise of the city's power to regulate rental housing, stating, "the Oakland City Council's legislative purpose, to promote community stability and help tenants avoid displacement and high moving costs, was a legitimate one." He went further to state that while the court does not opine on the wisdom or effectiveness of such an ordinance in alleviating a housing crisis, the

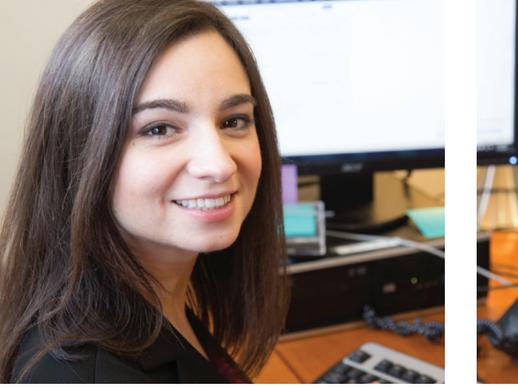
Ballingers "had failed to plead a cognizable legal theory on any of their constitutional challenges to the Ordinance."

This case should be a wakeup call for all Oakland homeowners who have career mobility. After your home has been rented to tenants (good on you for adding to the rental housing supply) Just trying to return to your home, (bad on you for displacing a tenant) may likely create both a financial and emotional nightmare...in other words not worth it. Worse yet, it's clear the City leaders don't understand the disincentive for renting homes that this ordinance creates and how that may dent the housing supply.

By maintaining ownership, but renting their home upon being transferred to Washington D.C., the Ballingers believed they would ensure their ability to return home from serving their country. They had no way to protect themselves in their lease contract from the encroachment of new laws on their homeowner rights. By the time of their return, much had changed in Oakland housing regulation and they found themselves ambushed by the difficult choice of either paying the city mandated payola or being unable to move back into their own home. Unfortunately, with the passage of time, this is a choice that will be forced upon more and more homeowners.

The Ballingers have indicated that they will appeal the court's ruling.

— NATHAN DURHAM-HAMMER



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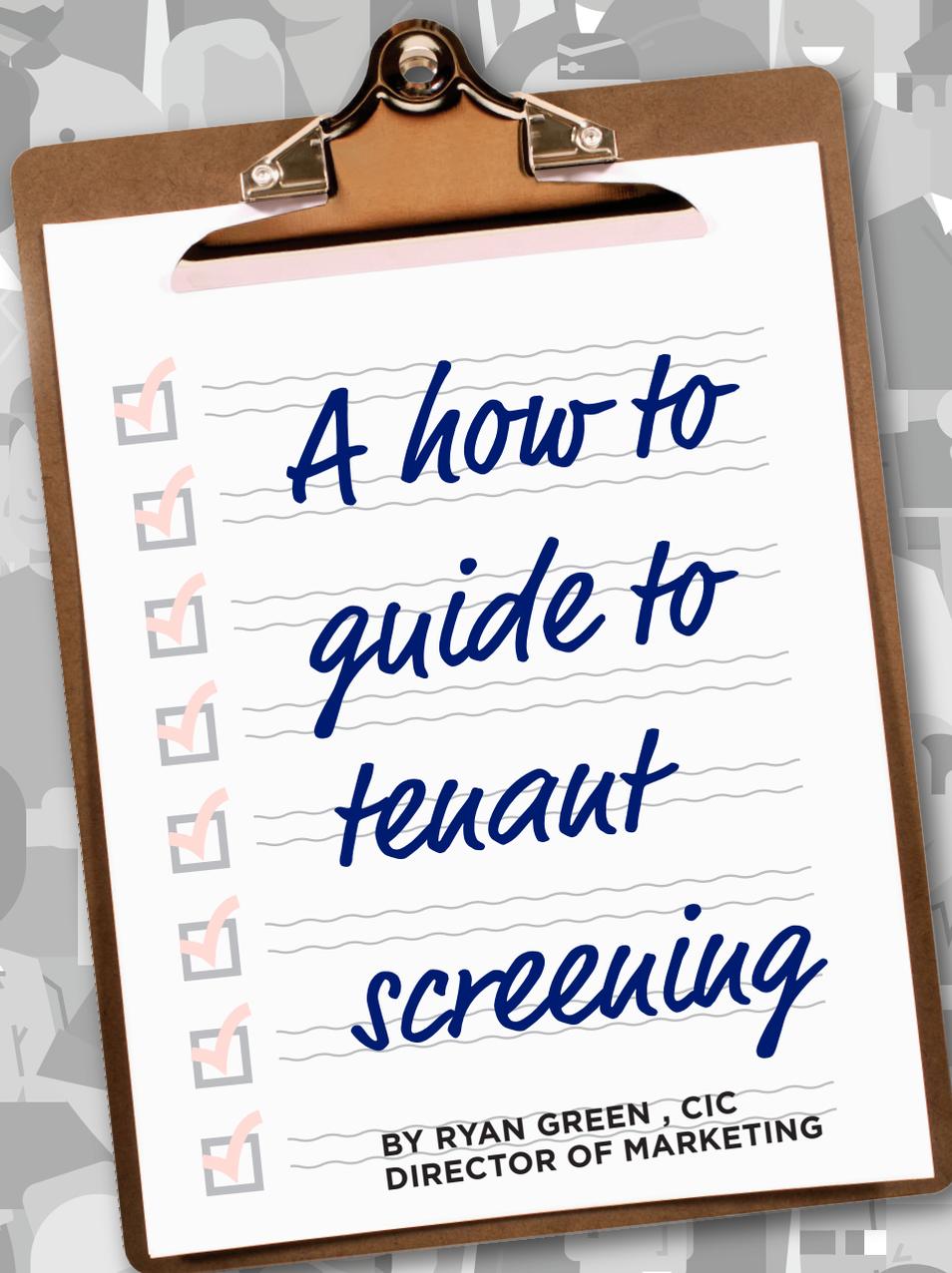
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Finding the right tenants for your property in most cases means you have to search for a stranger you can trust with one of your most expensive assets. The right tenant will pay their rent on time and treat your property with respect, however, the wrong tenant might drag you through costly court battles and expensive repairs. The best way to mitigate your risks so you select the most qualified tenants using trustworthy information in legally approved ways is to understand the process of using tenant background checks.

Follow the steps below and you'll be able to:

- Save Time by Pre-Qualifying Rental Applicants
- Properly Inform Applicants About Your Rental Criteria
- Understand Fair Housing Requirements
- Rely on Objective versus Subjective Information
- Avoid Using Bright-Line Standards
- Identify Fraud with Red Flag Rules
- Know What to Look for in Tenant Credit Checks
- Safely Rely on Criminal and Eviction Records
- Traditional versus Consumer-Initiated Tenant Screening
- Legally Follow-up with Adverse Action Notices

Pre-Qualifying Rental Applicants

Pre-screening rental applicants should be every rental property owner's, real estate agent's, or property manager's first step after a potential renter inquires about a property. It saves you, and your potential renters, time and money by avoiding a more lengthy and invasive process when you might be able to determine upfront if the applicant is unqualified.

The rental pre-screening process is essentially just a verbal interview in which you have the opportunity to inquire about your applicant's past and present renting history. It also gives your applicants an opportunity to decide whether they will be able to meet with your rental criteria and requirements. While a tenant background check will divulge objective information about an applicant's credit, criminal, eviction, and possibly other histories, the pre-screening process is more likely to provide you with subjective insights. This is also a good time to get a feeling for whether you will be able to trust your applicant as a tenant who will treat your property with the kind of consideration you desire from a renter.

Beyond the benefit of saving time and money during the rental application process, pre-qualifying rental applicants is also your opportunity to explain the most

important aspects of your rental criteria that might make or break whether they will be approved.

What Applicants Need to Know

If you have a well-defined rental criteria (which you should) then it's something you should cover with applicants as early in the process as possible. As much as you may not want to deter anyone from renting your property, you also don't want to spend time scheduling showings or completing tenant background checks on anyone who is simply unqualified.

Your defined rental criteria will most likely have some requirements that you just refuse to make concessions on. Similarly, you might have some rental requirements that you would like for all tenants to meet, but you're also willing to concede a little if they are qualified in other crucial areas.

Some common criteria you should cover early on when speaking to potential applicants include:

- Minimum monthly income required to afford the rent (in terms of a multiplier of the monthly rent, not a set amount).
- Any specifics regarding acceptable credit, such as a threshold for minimum credit score accepted or no more than 3 collection accounts (not including medical debts).
- Specific types of criminal convictions, and the time since conviction. (eg. Property damage exceeding \$1,000 within the past 3 years)
- More than two eviction judgments and/or filings within the last 3 years.
- Whether you have a policy against accepting pets, or any specifics regarding pets.

Fair Housing Guidance

The Fair Housing Act (FHA) dates back to the civil rights movement of the 1960s. More specifically it is an act passed as a follow up to the Civil Rights Act of 1964 that became the Civil Rights Act of 1968 with Title VIII (the actual Fair Housing Act), becoming the pertinent portion related to housing. The FHA was, and still is, a significant stride towards eliminating racism and prejudice within housing industries to ensure fair and equal rights to housing for everyone with regards of seven (7) specially protected classes.

7 Protect Classes of the FHA:

- Color
- Disability
- Familial Status
- National Origin
- Race
- Religion
- Sex

Another topic that has been picking up steam in recent years is regarding the impacts of Disparate Impact in housing. Disparate impact refers to unintentional discrimination from policies that result in a select minority, or otherwise protected class, being adversely affected at a higher rate than other groups. In 2015 the Supreme Court ruled in favor of allowing lawsuits on the basis of disparate impact which means you should look closely at your policies to ensure they may not be having a disproportionately adverse effect on a select group of people that may fall into one of the seven protected classes.

Objective versus Subjective Information

Understanding the difference between relying on objective rather than subjective information in your decision can be a defining factor in protecting yourself from accidentally discriminatory practices.

Objective information is fact-based, coming from sources that can be authenticated and verified for accuracy. This would include credit reports, public records such as criminal or eviction records, and rental payment history (if reported).

Subjective information is more opinion-based derived from interpretations, judgments, emotions, or other types of less verifiable sources. This would include reports coming from a person's social media history, overly detailed references providing verbal information related to an applicant's character based on their opinions, or judgments made about a person's appearance.

When relying on information obtained for determining whether an applicant is qualified for a rental property it's critical that your decision is made based only on objective information. Subjective information may help you come to a decision, but ultimately it will land you in legal trouble if an applicant disputes the reason(s) for their denial. With objective information, you have verifiable information to demonstrate the reasons for your decision based upon the applicant's reported history by credit bureaus and data furnishers that directly relate to their trustworthiness as a renter.

Bright-line standards

A Bright-Line Standard is a clearly defined rule that is composed of objective factors that leave little to no room for interpretation. While this sounds like something that would be beneficial as part of your rental criteria, the problem is it doesn't account for variations from local, state, or federal jurisdictions.

For example: A policy that states you will not approve an applicant with a felony on their record does not account for what defines a felony in different regions. Currently, in the U.S., there are states that completely prohibit the use of marijuana while other states are making it one of their most profitable cash crops.

Adding specificity to your policy about the types of criminal convictions, for example, that will result in a denial decision can help you avoid having bright-line standards.

Examples include:

- No convictions stemming from property related crimes.
- No violent or sex-related offenses within the past 5 years.
- No sex offenses that prohibit an applicant from being within so many feet of a place where children congregate.

Red Flags

Also known as the Fair Credit Reporting Act's Identity Theft Rules, Red Flag Rules refer to the guidance used to determine when an applicant may be attempting to commit identity fraud. According to the Federal Trade Com-

mission (FTC), if you have access to credit then you must also have reasonable policies and procedures in place for detecting, preventing, and mitigating identity theft.

Common methods used to adhere to the FTC's requirements include having a written procedure which spells out what actions will be taken to check and verify the applicant's identity should there be any type of fraud warning on the credit report.

Examples of verifying the applicant's identity include requiring additional documentation such as a government-issued photo I.D., social security card, or current utility bills. Some of these may be required as part of the overall rental process, and others might be a secondary method of verifying the applicant's identity.

Common red flags to look out for:

- No rental history
- Gaps in rental history
- Incomplete or illegible application
- Information doesn't match from one document to the next
- Torn, faded or altered documentation
- Negative information from prior landlords
- Eviction filings or judgments
- Unverifiable addresses
- Prior landlords who are members of the applicant's family

If you are unable to verify the applicant's identity and have reason to suspect identity theft may be a factor, then you should not approve renting to the individual. You are also under no obligation to report the potential identity theft to law enforcement, however, you are required to provide the applicant with an adverse action letter so they may dispute any inaccuracies directly with the organization that reported the information – most commonly the credit bureau or tenant screening company.

Tenant Credit Checks

Credit checks on tenants are classified as a consumer report which means it delivers information regarding a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics or mode of living (lifestyle) to be used for a specific purpose – in this case, tenant screening. These types of reports rely on objective data that can be verified without any bias. When information of a subjective nature, such as personal interviews with prior rental property owners, property managers or employers, is primarily used it becomes classified as an investigative report which has different requirements that must be adhered to.

For the purpose of tenant credit checks, you want to be certain you are relying on consumer reports provided from one of the 3 major credit bureaus – Experian, TransUnion, or Equifax.

These reports should include objective information such as:

- Previous known address history
- Fraud verification as part of the red flag review process
- Credit-related accounts (tradelines) with payment history
- Collection accounts

- Public records
- A FICO or VantageScore risk model to analyze overall credit

All of this information is acquired based on the consumer's credit and payment habits rather than anything that can be influenced by an opinion which is what makes it the safest option for qualifying potential renters.

Tenant Background Checks

Eviction records and criminal histories will generally round out the key aspects of a tenant background check. What's important to note about these portions of the report is that they differ greatly from the consistency you can expect in the tenant's credit check. While there are only 3 major credit bureaus reporting much of the same information, there are a variety of options regarding how tenant screening companies can complete the remaining elements of the tenant background check.

Eviction reports are developed by compiling public record information from courts around the country. There is no singular source for this information, and the way the information is cleaned and organized can vary greatly between tenant screening companies.

What to be aware of when reviewing eviction records:

- **Eviction Filings:** An eviction filing does not mean the tenant violated a previous lease and was evicted. It means there was an attempt to evict that applicant which may have come from a variety of reasons. It's best to consider information that may explain the reason for the filing, and how many filings might be on the report. An isolated incident might have a reasonable explanation, but a history of repeated filings may indicate a troublesome renter.
- **Eviction Judgments:** Unlike with filings, a judgment means the applicant was evicted by the court and a judge officially ruled in favor of a previous landlord. A judgment might have some type of monetary factor in which the tenant had to pay back costs to the owner, or might have simply had to vacate the premises by court order. Judgments are generally the safest portion of information to use in making a decision, and multiple judgments against the applicant indicate a repeated pattern of poor tenant behaviors that resulted in lease violations.
- **Evictions on Credit Reports:** Evictions will not appear on the credit report. In the past, there may have been some cases in which a monetary judgment showed up as a public record on the credit report, but since 2017 when the credit bureaus adopted new standards as part of the National Consumer Assistance Plan (NCAP) all of this information has been removed. The most reliable way to receive a complete picture of an applicant's eviction history is to trust a 3rd party report provided by a tenant screening company.

Criminal histories, while still containing records from the court, differ from eviction reports in a number of ways. There are additional rules when reviewing a tenant's criminal background check as to what types of records are legally allowed to be used in your decision as well as how long ago the applicant may have broken the law.

When using criminal records in your tenant background check be aware of:

Arrests vs Convictions: An arrest without a conviction means that the person was not found guilty of committing a crime. HUD released guidance in 2016 regarding this distinction so if you see an arrest on your criminal report pay close attention to whether it resulted in the applicant being convicted of a crime before making your decision.

- **Age of Conviction:** In most states, a criminal conviction for use in tenant screening reports can only be reported for either 7 or 10 years from the date of conviction with most screening companies sticking to the 7-year rule. Exceptions to this rule can occur if the conviction involves highly violent crimes (example: murder), or credit transactions exceeding \$150,000.
- **Sex Offenses:** Sex offense records are stored by a variety of sex offender registries, and may not be included by default in every tenant background check. Be sure you clarify whether a report will include this information.
- **The Accuracy of Records:** There is no national database of criminal records that all tenant screening companies can rely upon which means the information in the report can vary greatly between providers. As an extra level of due diligence, you should plan to cross-reference any criminal records that appear on the report which include physical descriptors of the applicant with your applicant's government-issued ID, or personal knowledge of having met the applicant. For example, if the criminal record describes a middle-aged male, but your applicant is female, then you should contact the tenant screening company to provide additional research before making a decision.

In general, it is a recommended best practice to consult with your tenant screening provider about the accuracy of criminal records before issuing your decision.

Traditional versus Consumer-Initiated Tenant Screening

The process of performing a tenant credit and background check is most commonly conducted using one of two methods.

Traditional tenant screening is a process many rental housing professionals are accustomed to. This method requires a physical inspection of office premises by a 3rd party organization (separate from the credit bureaus and tenant screening provider), and some initial paperwork to be completed that confirms the authenticity of the business and the purpose for requesting credit reports. While this may sound like a bit of a daunting procedure to create an account, the benefit is direct access to process the applicants' credit reports 24/7 with immediate results.

A traditional tenant screening account means applicants submit their application with a signed authorization that is required to be kept on file for 6 years, and then a property manager / landlord / real estate agent has the approval to access their consumer profile directly for credit reports.

Consumer-Initiated tenant screening is a newer technology that removes multiple requirements within the account creation process. There is no need for a physical inspection, paperwork to be submitted and reviewed, or even to keep a

signed authorization on file for 6 years (although good record-keeping is still a recommended best practice). In order to receive a credit and background check the applicant is required to be a part of the process by authenticating their identity online, and then digitally approving access to their information. The requesting party also goes through the identity authentication process which allows the bureau(s) to make a record of the connection thereby verifying approved access to sensitive data by all involved.

All consumer-initiated tenant screening is conducted online using digital identity authentication practices that maintain a secure record of who is involved in accessing consumer credit reports. Beyond the credit report, there can be a variety of different information contained in each product depending on the tenant screening company providing the report as well as packages sold at different price points. A complete tenant credit and background check should include, at a minimum: the credit report, a credit score, a nationwide eviction search, and a nationwide criminal database scan. As an added benefit these types of services may also allow for the applicant to purchase their report directly through the site making it a no-cost solution for property managers, landlords, and real estate agents.

Denying Applicants / Adverse Actions

An Adverse Action is the term used whenever denying an applicant housing based on information contained within a consumer report. Whenever you review a consumer report and don't approve the applicant for the rental property you are required to notify them either in writing, orally, or by electronic means.

Your adverse action must include:

- The name, address, and telephone number of the company that provided the report used in making your decision. In this case, it would be the tenant screening company (also known as a Consumer Reporting Agency).
- A statement that the tenant screening company did not make the decision to deny housing, and cannot explain why the decision was made.
- A statement notifying the consumer of their right to obtain a free copy of their report directly from the tenant screening company within 60 days.
- A statement informing the consumer of their right to dispute the information in their report directly with the tenant screening company if they believe it to be inaccurate.

Most tenant screening companies should have examples or options built into their system to help you provide this information to your applicant. If not, then they should be able to assist you with guidance if you have any concerns over properly completing the process.

As a general rule of thumb, if you aren't confident about information in your tenant credit or background check then you should contact the tenant screening company that provided the report. Most reputable companies will provide you with methods to contact them, and offer assistance that will lead to you making a well-informed decision about who you can trust to live in your property.

The Ultimate Guide to the Eviction Process

BY BECKY BOWER, CIC

When it comes to evictions, hindsight is 20/20. As you learn more about filing an unlawful detainer or look for a new, suitable tenant to fill your vacancy, avoid any other mistakes by diving deeper into the ins and outs of evictions and eviction screening. From eviction laws to learning how to read an eviction report, take a look at our in-depth guide.

What is an Eviction?

eviction \ i-vik-shen \ *noun*: The action of expelling someone from a property.

For rental property owners and managers, evictions are an occupational hazard. An eviction occurs when a rental property owner tries to remove an occupying person(s) from their property. Depending on your state's local laws and your tenant's willingness to vacate the property, the process of legally evicting a tenant can be costly and time-consuming.

California Eviction Law Breakdown

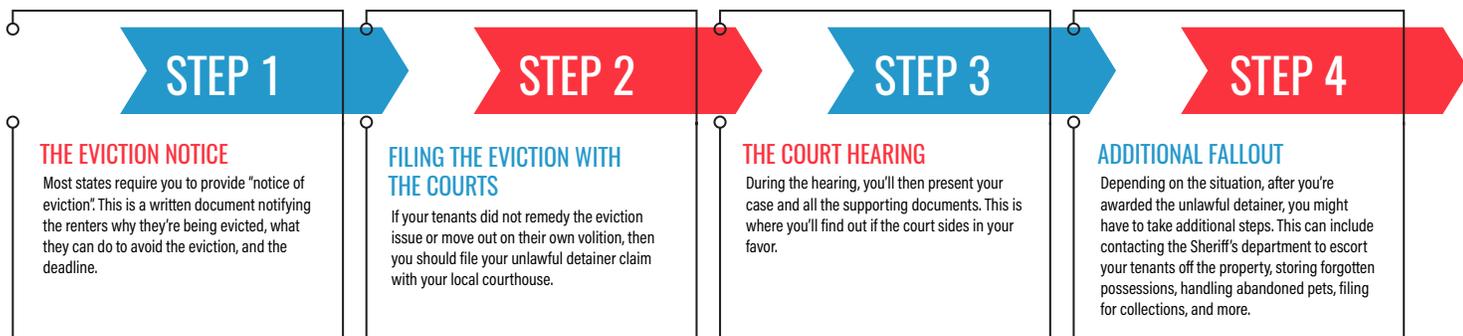
California has a unique set of eviction laws that are embodied in several statutes but appear most prominently in Code of Civil Procedure § 1159-1179 (a).

The purpose of unlawful detainer proceedings is a timely restoration of possession. "Time periods for pleading [in unlawful detainer actions] are shorter than ordinary civil actions, the matter is set for trial more quickly and entitled to priority on the trial calendar, and expeditious enforcement procedures are available. In contrast to the relatively quick and inexpensive proceedings for evicting tenants, California law does not provide any summary remedy for ejection." (*Titus v. Canyon Lake Property Owners Assn.* (2004) 118 Cal. App. 4th 906, 914). For this reason, issues extrinsic to the possessory right are generally excluded from unlawful detainer actions, even though they otherwise arise out of the subject matter of the action. (*Green v. Superior Court* (1974) 10 Cal.3d 616, 632-634.) This is because "[i]t would obviously be unfair to require the defendant-tenant to defend against ordinary civil actions under the constraints of the summary procedure in unlawful detainer actions. Indeed, the constitutionality of these summary procedures is based on their limitation to the single issue of right to possession and incidental damages." (*Lynch & Freytag v. Cooper* (1990) 218 Cal.App.3d 603, 609.)

In addition to, but only incidentally, the landlord may recover a monetary judgment for the amount of any rent owed with interest. (Code of Civil Procedure Section 1174(a) & (b); *Briggs vs. Elec. Memories & Magnetics Corp.* (1975) 53 Cal. App. 3rd 900).[CB1]

HOW DO EVICTIONS WORK?

Generally, pursuing an eviction (also known as an “unlawful detainer”) follows 4 steps:



It’s imperative that you look up your state eviction laws before you start drafting up your eviction notice. While most states loosely follow the eviction process above, each state (and city) has different laws pertaining to how you can evict a tenant.

For example, in California, laws regarding what your notice for termination should say and how long of a notice should be provided, change depending on if the termination has cause. With cause, according to the Cal. Code of Civ. Proc. § 1161, there are three different notices you can provide: Three-Day Notice to Pay Rent, Three-Day Notice to Cure (correct a violation of the lease), and Three-Day Unconditional Quit Notice (this notice is rare and is typically used when a tenant sublets illegally or creates too many nuisances on the property). Each type of eviction (like the nonpayment of rent, breach of the lease, failure to pay late or rent fees, nuisance violations, or failure to maintain the rental property in a safe and sanitary manner) are all considered “for cause” evictions that require a separate and distinct notice.

Notices for termination without cause are a completely different ball game. “No cause” evictions include:

- a 30-Day Notice to Quit for those tenants who have lived in the rental property for less than one year on a month to month basis
- a 60-Day Notice for those tenants who have resided in the rental property for more than one year on a month to month basis. (*may now be prohibited by statewide Just Cause legislation)

As you can see, these specific notices for month-to-month tenancies (see Cal. Code of Civ. Proc. § 1946 and 1946.1) depend on how long the tenant has resided in the property.

In contrast, Texas’s eviction notice laws are much simpler. According to Tex. Prop. Code Ann. § 24.005, property owners can only ter-

minate a tenancy if the renter does not pay rent or violates the lease. In this case (a termination with cause), you would need to provide a three-day notice to vacate. The option to fix a lease violation or pay the rent would also be left to your discretion. For terminations without cause, month-to-month tenancies can be evicted with a simple 30-day notice (unlike California’s 30 and 60-day notices).

Beyond state differences, you’ll need to keep your eyes on local laws. Depending on where your rental property is, your city or county could impose additional regulations. Some cities have invoked “just cause” eviction laws (this dictates what legal reasons you can evict a tenant) while others are looking into requiring tenant relocation assistance.

EVICTIONS WITHOUT A LEASE

Tenancies without a rental agreement or lease are considered a “tenant at will”. For the most part, these types of tenancies have very few legal protections and are oftentimes legally considered a month-to-month tenancy. As always, look towards your local and state laws before pursuing an eviction as (for example) the eviction laws in Florida can be very different to laws in Georgia, and so on.

In California tenancies without a written rental agreement can be terminated for non-payment of rent, causing a nuisance, or based on a 30-or 60 Day Notice of Termination of Tenancy. These are not known as tenancies at will in California. In California a Tenancy at Will is defined as a permissive tenancy where the tenant takes possession of the rental property without an agreement as to payment of rent, and the duration of the tenancy and where the tenant has never paid rent. A 30 Day Notice to Terminate Tenancy-Civil Code § 789 is required to terminate a tenancy at Will.

EVICTIONS AND CHAPTER 7 BANKRUPTCY

If your tenant has filed for Chapter 7 bankruptcy, you might not be able to evict them. “Automatic stay” prevents rental property owners and property managers from collecting debts from the bankrupt

tenants, and is often granted to first-time bankruptcies. This means you can't contact, bill, sue, or attempt to collect unpaid rent via an unlawful detainer case. There are exceptions to this. For example, automatic stay is limited to 30 days if the tenant has filed for 2 bankruptcies within one year. The court can also place limits, if requested by the property owner.

According to Nolo, automatic stay will not prevent an eviction in two cases:

1. You got a judgment for possession before the tenant filed for bankruptcy (if you filed a monetary judgment for unpaid rent – the automatic stay limits could still hold).
2. You are evicting the tenant for endangering the property, or for the illegal use of controlled substances.

When it comes to evicting a tenant who has filed for chapter 7 bankruptcy, it's best to consult a lawyer for further guidance.

HOW LONG DOES AN EVICTION TAKE?

Depending on your state and local laws, an eviction can take anywhere from a few weeks to several months. Ultimately when it comes to evictions, you've got to prepare for the worst.

"I advise my eviction client's that the standard time for an uncontested eviction from filing to lockout is 45 to 60 days. An uncontested eviction is one that proceeds by default judgment. However, a contested eviction, one where the tenant files an answer can take up to three months after filing the lawsuit to lockout out"

- H.G. Long of H.G. Long & Associates, California

WHAT DOES AN EVICTION COST?

The cost of an eviction really varies based on what your county's fees are, your legal fees (if you hire an evictions lawyer), the reason in which you're filing an unlawful detainer, and the condition of

the property post-court. While the cost of an eviction ranges, here's some potential costs you might want to keep in mind:

- Unpaid/Lost rent
- Legal Fees
- Court costs like the court filing and administrative fees
- Sheriff fees (to hire to execute the Writ of Possession)
- Locksmith cost
- Property repairs
- Cleaning fees
- Storage solution fees (some states require this if the renter leaves their property on the premises)
- Collection service (if you chose to go this route)

Be mindful that there might be future hidden costs. For example, California is unique among the 52 states in that California law allows a tenant to request a jury trial after filing an answer to the lawsuit. This is a common strategy used by most eviction defense lawyers to delay the eviction process which will cost the landlord a substantial amount of money.

WHY DO EVICTIONS HAPPEN?

While evictions can happen for a variety of reasons, monetary evictions take the cake. A monetary eviction occurs when a renter is unable to pay the rent owed. Although studies show that the nationwide eviction filing rate has stayed between a 6 – 7.5% range from 2000 – 2016, the affordable housing crisis is still a huge issue that influences a large part of evictions and it affects more renters than you'd think. According to Apartment List's 2017 Renter Survey, nearly one in five renters recently struggled or was unable to pay their rent.

"In my practice non-payment of rent cases make up more than 70% of the Unlawful Detainer cases filed, 20% are based on a 3-Day Notice to Perform Covenant or Quit; and the remaining 10% are for other types of eviction cases"

- H.G. Long of H.G. Long & Associates, California

Of course, while unpaid rent makes the bulk of evictions, an eviction can happen for a variety of reasons. These include:

- A breach of the lease, like adopting a pet on a no-pet property or illegally subletting
- The owner (or their family member) wishes to occupy the unit
- Significant property damage
- Too many city nuisance write-ups
- Illegal activity
- The owner wants to! (remember with month-to-month leases, some states allow no-cause evictions)

ARE EVICTIONS PUBLIC RECORDS?

An eviction becomes public record when a judgement, and a filing in jurisdictions that allow reporting, is entered by the court, but there are plenty of circumstances in which an eviction record could be expunged (removed from public records) or sealed. Some states will automatically seal an eviction record if your court case was unconditionally denied or if the unlawful detainer action was dismissed.

For example, in California, there is a 60 Day period after the eviction is filed where the filing is sealed. Unmasking the case requires a judgment issued by a California Superior Court.

CAN EVICTIONS BE REMOVED/EXPUNGED?

Many states allow the renter to file for expungement to remove or seal the eviction from their records. Typically, tenants will need a valid reason (like the unlawful detainer action was not awarded to the property owner) in order for the expungement to be granted.

ARE EVICTIONS ON THE CREDIT REPORT?

Strictly speaking, never. While a monetary judgment against a renter who didn't pay their rent might be picked up by the credit bureau as a collection account, most evictions won't appear. The bureaus report less than 10% of the cases filed and, after the three major credit bureaus released their National Consumer Assistance Plan, that number has been significantly reduced even further. In short, the majority of public eviction records will not be reflected or represented within the applicant's credit score or credit report.

If you want to see if your rental applicant has any prior evictions, you will have to depend on a tenant screening service that provides a separate evictions check. This way you can see both monetary and non-monetary evictions... even ones where the tenants paid after being served or who voluntarily vacated (as permitted by state and federal law).



ARE EVICTIONS ON THE CRIMINAL REPORT?

Sometimes, however, it's not a common occurrence. Unless the eviction record carried some sort of criminal charge attached with it, the eviction would be filed as a civil record and would not be on a criminal report.

ARE EVICTIONS NATIONWIDE?

Yes and no. Tenant screening companies, like ApplyConnect, who offer nationwide eviction searches on their background reports are able to do so because they have created their own database – drawing from landlord-tenant records from each of major jurisdictions throughout the country, or have access and purchase records from a Consumer Reporting Agency with a nationwide database. That being said, there is no all-encompassing, federal eviction database.

ARE EVICTIONS PERMANENT?

Per the Fair Credit Reporting Act § 605.a, evictions are reported for 7 years. In Oregon, it's 5 years (Senate Bill 91). If you see an eviction that is dated more than 7 years (or in Oregon's case, five), do not use that record when considering whether to rent to a prospective tenant! While it might be tempting to dive deeper into a respective renter's past – it can cost you boatloads of legal fees if you choose to break this law.

SHOULD I ACCEPT APPLICANTS WITH PRIOR EVICTIONS?

At the end of the day, it's up to your discretion on whether you wish to accept or deny applicants with evictions. However, be aware that there are reporting restrictions (FCRA Sect. 605) in relation to Adverse Actions for civil suites, collections, and "any other adverse item of information". Overall, take some time to review your written rental standards and revise your guidelines as you see fit.

While you're considering your options for evicting a tenant, looking at other ways to screen your applicants for evictions, and considering any rental standard revisions, go a step further and learn how to read an eviction report.

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Rent Control

THE HOUSING AFFORDABILITY TOOLKIT

Rent control is a counterproductive housing policy that does not address any of the key factors driving housing affordability.

What Is Rent Control?

Apartments have long provided people a flexible and inherently affordable housing option. However, as the number of renters has reached an all-time high, there has been a surge in demand. This has made it difficult for millions of families nationwide to find quality rental housing that is affordable across the income spectrum and has placed significant pressure on the available apartment supply. In response, some municipalities have tried to artificially restrict rents. While some of these rent control policies may be well intentioned, numerous studies have shown that rent control fails to increase the availability of affordable housing. Economists almost universally agree that rent controls reduce the quantity and quality of housing.

Rent control regulations limit the amount of rent a landlord can charge, either by setting a rent ceiling or by limiting rent increase. Currently, rent control regulations are in effect in four states and in Washington, D.C., while 36 states explicitly prohibit municipalities from implementing rent control.

How Rent Control Works

A set of price control regulations codify restriction on a city's rental housing market. The specific rules that govern rent control vary significantly between cities. Generally, these regulations establish which units rent control applies to, the conditions in which rent can rise, the amount of increase, how long rent control may remain in place, and processes for appeals and monitoring.

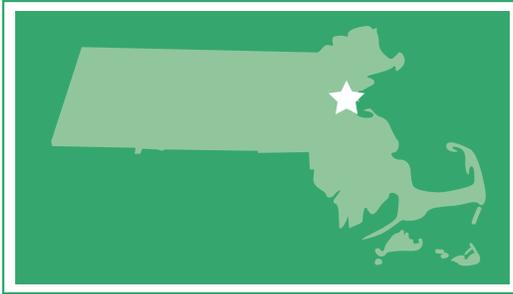
“ The absurdity of New York City’s housing market has become a standard part of many Econ 101 courses, because it is such a clear example of [rent control] that achieves the near opposite of its goals.”

– Adam Davidson, New Your Times 2013

Impacts: 1

Rent control leads to a decrease in the supply of overall units and an increase in rents for unregulated units. Studies across the country have found that forcing rents below market price has reduced the supply of new housing. This occurs in two ways:

1. Price ceilings make rental housing an unprofitable venture, and devel-



Rent control impacts affordability in three key ways



Rent control leads to a decrease in the supply of overall units and an increase in rents for unregulated units.



Rent control is an inefficient tool that often benefits high-income households as much as, if not more than, low-income households.



Rent control is complicated and expensive to administer.

opers have less incentive to build. Money flows out of the local rental market and into more profitable markets.

Cambridge, MA ended rent control in 1995. As a result, annual investment expenditures more than doubled for all residential property from 1995 to 2004. profitable markets.

2. Property owners are incentivized to convert apartments into condos, which benefits higher-income households that can afford to own a home. The conversion of apartments to condos increases displacement and creates a significant risk of displacement for existing residents.

A study in Los Angeles, CA found that vacancy control resulted in a 7% decline in rental units as landlords converted apartments to condos.

These phenomena reduce the overall supply of housing and lead to increased competition for existing units - especially for those that remain unregulated. This drives up rents.

Impacts: 2

Rent control is a blunt tool that does not efficiently target benefits.

Rent control is a blunt and inefficient tool that often benefits high-income households as much as, if not more than, low-income households. Rent control regulations are tied to units instead of households, and a rent-controlled unit can go to a household of any income. Low-income households must compete with higher-income households for rent control and receive no preference. There is significant evidence that this leads to a large and often arbitrary subsidy that can benefit households able to afford market-rate rents.

A 2000 study by the San Francisco comptroller found that 25% of rent-controlled units were occupied by households with incomes over \$100,000.¹

In 2012, the NYU Furman Center found that the median income of households in prized rentstabilized units in Manhattan was higher than the median income of market-rate residents in all but eight neighborhoods across all five boroughs. Higher-income residents in Manhattan paid less for their apartment than lower-income households in the cheaper markets of Brooklyn and Queens.

There are a number of reasons that rent-controlled apartments are more likely to end up with higher-income households residing in them. When a household leaves a rent-controlled apartment, the residents often "pass on" the apartment to someone in their social network in the same income level. In Los Angeles, there is evidence of a gray market of "key fees" that require potential tenants to pay a significant upfront cost for a rent-regulated unit. This practice further restricts lower-income households from accessing affordable, regulated units.⁴



Households in rent-controlled housing in Cambridge, MA had higher incomes than the citywide average.

Impacts: 3

Rent control is complicated and expensive to administer.

Rent control requires elaborate bureaucratic systems. Rental property must be registered, detailed information on the rental property must be collected, and elaborate systems for determining rents and hearing complaints and appeals must be established. The associated costs in dollars and time falls not only on providers, but also on consumers and municipal authorities.

For example, in Santa Monica, the Rent Control Board in 1996 had a budget of more than \$4 million a year to control the rents for only 28,000 apartments.

Denver's housing stock consists of 72,200 multifamily rental units that were built before 2000, which represents about half of the city's entire rental housing stock. These units vary widely in scale, owner type, and current leasing arrangements. To enact a rent control policy, the contracts of each of these units would need to change and be regulated by the city.

This would cost Denver an additional estimated \$10 MILLION¹

Considerations

Rent control does not address any of the key factors driving housing affordability challenges.

An insufficient supply of rental housing, rising development and operation costs, and stagnant incomes are the factors driving growing housing affordability challenges. Cities must address these key factors to address affordability. Rent control does not address any of these factors.

- Rent control decreases supply. Studies have shown that rent control leads to an overall decrease in supply as landlords convert units to condos and developers cannot bring units to market.
- Rent control increases administrative operation costs. Rent control adds compliance costs and the overall cost to operate rental housing.
- Rent control is not tied to those who need it. It does not provide a targeted subsidy for lower income households who need assistance the most.

Rent control seeks to treat the symptom of rising rents without addressing these underlying factors. This leads to unintended consequences that shifts the affordability burden among tenants and often decreases overall housing affordability. Improving housing affordability means closing the gap between what a household can afford and what it costs to develop and operate

rental housing. It also includes ensuring that the supply of rental housing can keep up with rising demand.

Local governments have many tools at their disposal that can decrease the affordability gap and increase overall supply. Rent vouchers can help increase what households can pay for units. Tools like property

tax incentives, public land subsidies, and other developer incentives can decrease the cost to develop and operate housing, while expanding by-right development can help increase overall supply.

This would cost Denver
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Economists have long considered rent control a failed housing policy - the benefits for a few select tenants do not outweigh the substantial economic and social costs. Cities around the country have shown that these policies have led to higher rents and fewer units overall.



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EARTHQUAKE PREPAREDNESS



**BY LARRY GUILLOT,
OWNER OF QuakePrepare**

Instead of discussing things you've heard over and over, like

- Have your existing retrofit work checked at your home/rental units
- Secure your tall/heavy furniture, your appliances, your wall-hangings
- Install automatic gas shutoff valves
- Have an emergency back-pack in your vehicle

I thought it might be helpful to list some things you might not have thought about (or thought about, but didn't act on).

SO, HERE ARE A FEW:

1. Use the crowbar you should have under your bed to pry open any doors that are stuck shut after a big quake.
2. Have a camp stove or grill with extra propane. Do not bring these items indoors. The accumulation of fumes from their use can be deadly.
3. Have cash put aside. During the time without utilities, you won't have access to banks, ATMs, etc. Anything available for sale will be cash only. Small bills are best.

4. If you have a masonry chimney, check its entire length for cracks and damage, particularly in the attic and at the roof line. Unnoticed damage could lead to a fire or collapse in aftershocks. The initial check should be made from a distance. Approach chimneys with caution.

The best solution is to at least remove your masonry chimney from the roof line up. I have clients who have good experience with Adam Rodrigues, 510-200-9775, DNA Chimney Service, dnacleansweepchimney.com. The next best idea is to install ¾" plywood in your attic in the area where a chimney could come through the roof (yes, they can do that). Do not spend money on having a chimney "braced." It is impossible to guarantee it will work.

5. If you can afford a gas or propane generator, they are obviously handy to have.
6. Windows that are not tempered glass can shatter and create a hazard. There are products on the market that you can use to cover the glass, e.g., Scotch Shield.
7. Toilets:
After a major quake, you may not be able to use your toilet. Here's a helpful

link on how to prepare for this: <https://www.opb.org/news/article/emergency-toilet-disaster-preparedness-earthquake/>

Another one: <https://thepreparednessexperience.com/make-emergency-toilet-bathroom-sanitation-steps/>

You can purchase all these things at hardware stores and grocery stores. Or, go to a site that sells these products on-line.

8. To secure almost anything hanging on a wall: get strips of industrial strength velcro. Cut into 3-5" strips. Pull off adhesive and install on bottom left & bottom right of the hanging, with one piece of velcro on the wall and the other on the hanging. Push it together and the piece can't move. Also, fishing line can be used for tall items, like lamps, that are impossible to secure traditionally.

9. "The Triangle of Life." Every so often, I get an email from someone passing on information from a person named Doug Copp, who is a self-proclaimed "expert" on disaster management. His ideas run around the internet every few months. If you get an email like this, ignore it.

Copp says that, in a serious quake, the "drop, cover, and hold on" advice from the Red Cross and other American disaster agencies is wrong, and that, instead, you should find some "triangle of life" area in the room to protect yourself.

Please don't listen to this advice. His observations are based on buildings in third world countries, and, even if his ideas may have value there (as they would in un-reinforced concrete construction), they do not have value here. Engineering researchers have demonstrated that very few buildings collapse or "pancake" in the U.S. as they might do in other countries.

10. Yes, Secure Your Refrigerator

Historically, in major quakes, refrigerators rarely tip over (although they have been known to). However, they do move, and the movement can be violent enough to bang them up against base cabinets and anything else that is in the way.

You want to get out of your kitchen when serious shaking starts, so we're not talking a safety issue. Refrigerators, however, are expensive and you don't want your fridge doors destroyed.

So...you definitely want to secure your fridge. QuakeHold makes a fastener, see <http://tinyurl.com/m35rz87>. I've also found them at Home Depot and most large hardware stores. It has long straps, which is important. You need some slack in order to be able to pull it out enough to get to the base for removal in case you need to have the fridge worked on.

Large refrigerators, like Sub Zeros, are more difficult to secure, but are usually packed into a cabinet space so tight that it will be more difficult for the fridge to move.

If you have an ice maker, that's another reason you must secure your fridge. If it moves far enough to snap the water line, and you're not home to turn your water off, you are going to have an expensive mess.

11. Your PG&E manual shut-off valve at your gas meter is probably "frozen," i.e., it won't move easily.

This is very important, whether you have an automatic gas shut-off valve or not!

If you do not have an automatic gas shut-off valve and you smell gas after a big quake, you need to be able to go out to your meter and turn the gas off at the manual valve.

If you do have an automatic gas shut-off valve, after a big quake, you can re-set your valve, allowing gas to flow again, but you need to turn off the manual valve before re-setting the automatic valve, after which, you turn the manual valve back on.

Then you do what PG&E suggests: walk through your house (especially by the gas appliances), and, if you don't smell gas, re-light any pilots on gas appliances. If you do smell gas, you need to go back out and turn off your gas.

NOTE: When I check this valve during my QuakeConsult, about 75% of the time it is FROZEN IN THE OPEN POSITION.

You should check your manual valve NOW to make sure it will easily move just a little when you turn it with an ordinary crescent wrench or a gas shut-off tool. You should NOT have to use a plumber's pipe wrench. When testing, DO NOT turn your gas off - just barely make the valve move.

If your valve is frozen (rusted or painted in the open position), call PG&E at 800-743-5000, choose option #3, and then say "speak to someone" until they transfer you. This cannot be done on-line.

My hope is that you find something in this list that will help you become better prepared for the big quake that is in our future. QuakePrepare installs automatic gas shutoff valves (over 3,500 in the last 14 years), and our price for a standard installation in the east bay is \$245. My QuakeConsult, which includes evaluating your retrofit, among many other things, is \$345. See quakeprepare.com/quakeconsult/

BE SAFE.

ECHO Housing Continues Its Housing Advocacy Work

BY ANGIE WATSON-HAJJEM



ECHO Housing has been providing free housing counseling services to the East Bay community for more than 50 years. Our fair housing program got its start when a small group of committed volunteers came together to ensure that all residents had equal access to housing. The group was able to secure funding and opened its first office in Castro Valley back in 1965. During this time in the 60's housing discrimination based on race was rampant and overt. Today, although we still get race-based housing complaints, the discrimination is often more subtle and not as easy to detect. Our housing investigations often reveal unfair housing practices. These unfair practices include quoting higher rent/deposit for an African American applicant or giving a follow-up phone call or email to a Caucasian home seeker, but not to an African American prospective tenant.

Our agency gets many calls regarding disability and reasonable accommodations from both housing providers and tenants. A housing provider who doesn't allow pets must allow a disabled person to have her emotional support animal or service animal. This is an example of what making a reasonable accommodation looks like. The housing provider is not allowed to charge a pet deposit for the animal or have things like breed or weight restrictions. The housing provider has the right to ask for verification that the tenant is disabled and needs the accommodation requested. The disabled tenant is responsible for the animal and must ensure that the animal is not a nuisance to the other people living in the community.

We also see a fair amount of housing discrimination cases dealing with children. A single mom with a six year old son was denied the right to move into a second story apartment in Alameda. The owner

was concerned that the young child would not be safe living on the top floor and preferred that families with small children live on the ground floor apartments only. This is an example of familial status discrimination. Families with children have the right to live wherever they choose. Owners cannot use safety concerns to deny housing these families a home to rent.

ECHO Housing also has an owner-tenant counseling program that provides information to both parties on their rights and responsibilities in housing. Tenants often call with questions about repair/maintenance or rent increases. A typical question from a rental property owner may be on how to deal with a tenant who is a nuisance or won't pay his rent. We also provide conciliations and mediations for tenants and owners as a way to help both parties work through problems and to help foster better relationships between the themselves. ECHO Housing also provides first-time home buyer education classes, rental assistance, and shared housing/homeseeing services out of our Livermore office. If housing providers need fair housing education they are welcomed to contact ECHO Housing to schedule a free training.

After more than half a century doing fair housing work, ECHO Housing

is not going anywhere. We will continue with our mission of ensuring that everyone has equal access to housing and that we continue to serve as a resource for tenants and housing providers throughout Alameda and Contra Costa Counties.



Angie Watson-Hajjem is a Certified Mediator and the Fair Housing Coordinator of ECHO Housing. She investigates fair housing complaints and provides fair housing education to members of the rental housing industry throughout Alameda and Contra Costa County.



UPCOMING EVENTS

Small Property Roundtable

Date & Time: Tuesday, October 8th; 4:00 p.m. - 5:30 p.m. | EBRHA Members Only
Presented by: Wayne Rowland, EBRHA President
Topics: **The Small Property Owner Roundtable is a casual meeting to discuss issues, experiences and solutions to common--or perhaps not so common--problems many of you may be facing.**

Rental Property Management (RPM) 101 Before You Lease Your Unit

Date & Time: Wednesday, October 16th 2:00 p.m. - 3:30 p.m.
Free to EBRHA Members, Non-Members: \$69
Presented by: Brent Kernan Attorney & EBRHA Board Member
Topics: **Habitability vs. Substandard Housing, Fair Housing, Developing Screening Criteria, Marketing to Movie-In**

EBRHA Member Meeting

Date & Time: Saturday, October 19th
Networking: 9:30 a.m. | Presentation: 10:00 a.m. - Noon | EBRHA Members Only
Topics: Chanee Franklin-Minor - Program Manager
– **Oakland Rent Adjustment Program**
Charles Alfonzo, Attorney of Burnham Brown Law Office
– **Q & A**
Enjoy a Complimentary Continental Breakfast

13th Annual Trade Expo

Date & Time: Thursday, October 24th, 3:00 p.m. – 7:00 p.m. | EBRHA Members Only
Location: Greek Orthodox Church, 4700 Lincoln Avenue, Oakland CA

Property Management Q&A

Date & Time: Wednesday, October, 30th 2:00 p.m. - 3:30 p.m. | EBRHA Members Only
Presented by: Judy Shaw, EBRHA Board Member
Topics: Come and get answers to property management questions from expert Judy Shaw.

Unless noted, all events are held at:
3664 Grand Avenue • Suite B
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Rental Housing in Berkeley: A View from the Inside

BY KRISTA C. GULBRANSEN

Berkeley, a city with rent control and eviction protections for tenants since 1980, is often the jumping off point for other Bay Area regulations. What Berkeley decides to do, will reverberate to other rent regulated cities. In other words, what happens in Berkeley, happens in Oakland, happens in Richmond, happens in Alameda, etc.

The Berkeley Rental Housing Coalition was formed in 2015, when we found ourselves under a more constant barrage of attacks. Since its humble beginning, we have managed to keep a few policies at bay, as well as introduce (and get passed!) legislation that further expands some regulation exemptions.

After the opposition failed to repeal Costa Hawkins in 2018, we've been witness to a doubling down of efforts to expand regulations in Berkeley. Here are a few we've beat back, some we've ushered in and what's around the next curve.

NEW POLICIES

Rent Control and Eviction Protection Exemptions for Accessory Dwelling Units

In the last election, we were successful in extending exemptions to owner-occupied parcels with an ADU. As long as an owner of record lives in one of the units, the other unit can claim the exemptions. It is effective for any tenancy created after November 8, 2018. We knew that in order to encourage the development of new ADUS, it was important to get the legislation passed.

Golden Duplex Exemptions for Living Trusts

Berkeley's small owner legislation – known as the “Golden Duplex rule” – provides rent control and eviction protection exemptions for owner-occupied parcels where the owner of record on December 31, 1979, lived on the parcel as their primary residence. Although the legislation is a bit confusing, it's an important regulation that recognizes the unique relationship between owner and tenant when an owner lives on the property. In 2019, some owners of Golden Duplexes (who also had their property in a Living Trust), were sent a letter by the Rent Stabilization Board stating that their exemptions

no longer qualified because a “Living Trust is not a natural person.” The Rent Board was interpreting a Living Trust to be a corporation. We immediately launched a public relations campaign to pressure the Rent Stabilization Board commissioners to make a change to their interpretation, thus resuming Living Trust exemptions under the Golden Duplex rule.

POLICIES THAT “MIGHT HAVE BEEN”

The “First in Time” Ordinance

This proposal would have required owners to rent to the first tenant that submitted a completed application and met the owner's requirements. Advocates argued that it was the only way certain populations would have a “fair shot” at securing housing. Seattle was the first to attempt the ordinance in 2017, but after a lawsuit launched by property owners and the Pacific Legal Foundation, the court struck the ordinance down. Once the Ordinance was put before officials in Berkeley, we were able to point to the Seattle outcome, thus keeping the legislation at bay.

POLICIES COMING DOWN THE PIKE

The “Fair Chance” Ordinance

This policy would prohibit rental housing providers from asking about a prospective tenant's criminal background. This means no questions about past convictions on the rental application, and no background checks during the final tenant check. Seattle is the only other city in the U.S. to implement such a policy. The Washington Rental Housing Association engaged the Pacific Legal Foundation to launch a lawsuit against the ordinance, in 2018. They have gained solid ground on the legal front, paving the way to a possible win. We expect this could impact the final decision in Berkeley.

The Tenant Opportunity to Purchase Act

Already implemented in San Francisco (known there as the Community Opportunity to Purchase Act), TOPA is Berkeley's attempt to take up to 50% of housing, “off the speculative market.” The Act would be triggered for any property sold (including single family homes) in which a tenant resides at time of sale. It would give the tenant the first right of refusal for the sale by requiring the owner to

provide the tenant with a purchase price prior to going out on the open market. Tenants would have up to 120 days to secure financing. They would also have the option to sign their rights over to a nonprofit housing organization who would also be permitted 120 days to secure financing. Activists believe that by constricting the sale, they will be able to transfer ownership of more housing to tenants, nonprofits or land use organizations. We think it's a constraint of sale and an owner's right to choose who they sell their property to.

Illegal Unit/ADU Amnesty Program

In many cities like Oakland and Berkeley, there are a considerable number of units that were built without city permits. In Berkeley, illegal units are rent controlled, and their tenants have eviction protections. But many owners avoid coming forward to register with the Rent Board, for fear of being regulated. Cities like San Francisco, San Mateo, Santa Cruz and Los Angeles have tried amnesty programs in an attempt to encourage these units to become legalized. In cities like San Mateo and Santa Cruz, they have been successful. But San Francisco and LA have not seen the same level of success. The difference between the cities? San Mateo and Santa Cruz do not have rent regulations, but San Francisco and LA do. We want to encourage owners to come forward

and make sure their units meet the minimum health and safety standards, but we are aware they are less likely to do so should their unit come under regulation. We are currently negotiating with elected officials to design a program that does not penalize owners for coming forward, by placing them under rent control or Just Cause.

Krista C. Gulbransen is the Executive Director of the Berkeley Property Owners Association and its political and legal arm, the Berkeley Rental Housing Coalition. She is a small rental property owner, a former Oakland City Commissioner and a graduate of Mills College. She can be reached at krista@bpoa.org.



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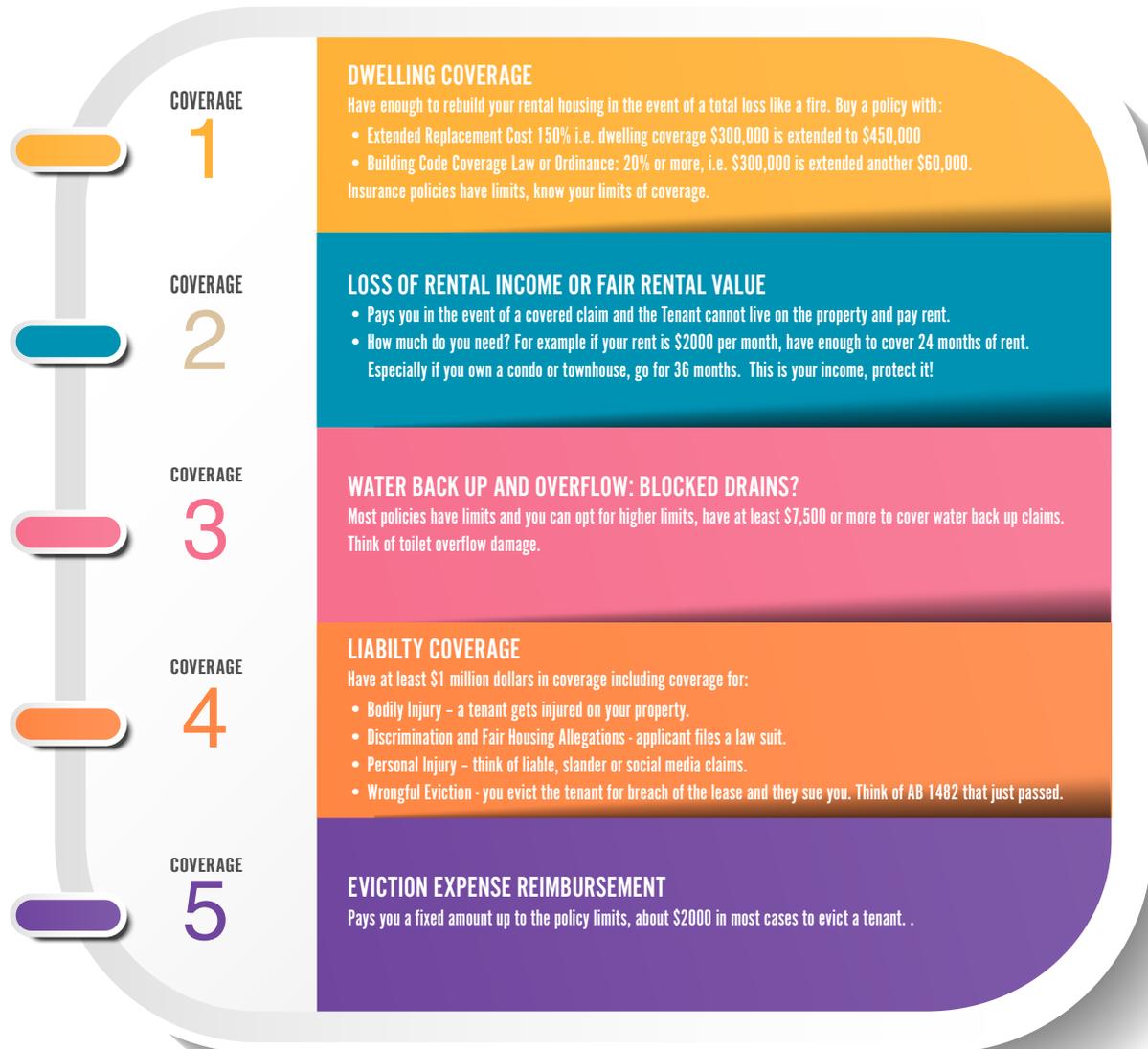
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TOP FIVE INSURANCE COVERAGES FOR RENTAL PROPERTY OWNERS

BY CURT BULLOCH



EXTRA COVERAGES AND SUPPLEMENTAL POLICIES FOR RENTAL INCOME PROPERTIES:

Rental Income Default and Damage Protection Policy. Stand-alone policy that provides you coverage for:

- Loss of rental income due to eviction or non-payment of rent by a tenant - pays you a fixed amount due to your loss of rental payments.
- Vandalism – the property is vacant or the tenant vacates and damages the property.

Earthquake Coverage: Earthquake damage is NOT covered on your rental owner's policy. Earthquake coverage is more affordable now with many carriers offering rates in California, and there are many other carriers besides the CEA.

Flood Coverage: Flood water is not covered on your rental owner's policy. A separate Flood policy is very affordable to protect your rental property. You do not have to be in a flood zone to qualify.

Renter's Insurance: For your Tenants? This policy provides protection for your tenant's personal property and liability. The liability coverage can extend to you as the owner and your property that could be damaged by a tenant. Think of a tenant-caused fire.

Myth's: My rental property policy is tied into my house, car and umbrella policies. If you switch you may be able to get a better rental owner's policy and get an umbrella policy that will cover all your properties regardless of the carrier.

Advice: Do not use a homeowner policy to cover your rental property. For a short-term rental or Airbnb, you will need a separate policy to cover this risk. Granny unit or ADU? Yes you need a policy to cover these properties.

Non-Renewal Notice: Many carriers are using the new "fire line scores", which consider the volume of trees and brush that could spread fire to other houses in the neighborhood and which could cause a major loss due to a fire. Think of the Coffee Park fire in Santa Rosa, and the town of Paradise, CA.

Hiring a Professional Property Manager: Some carriers will give you a Discount for using a professional property manager.

As an Independent Broker, we take a consultative approach and look at all the carriers and find the best coverage. Buy your insurance based on coverage, not price. It's your investment and income property - protect it with the right coverage!

Curt Bulloch is an Independent Insurance Broker OI36002, Rental Property Owner, and Guest Speaker at the Cal NARPM Conference—National Association of Residential Property Managers. He holds a B.S. Degree in Finance and Risk Management, past positions with: Standard & Poor's, Moody's Rating Agency, Morningstar, IBM. www.curtbulloch.com curtbulloch@gmail.com

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EBRHA's community outreach is largely focused on promoting education to its members and to the rental housing community at-large. This will be accomplished through collaboration with other housing related organizations. The goal is to help EBRHA members navigate through the complicated processes associated with being a rental housing provider.

Protecting property owner's rights and providing affordable housing for renters is a challenge for our local and state government. While the intent is to provide affordable housing, there are typically unintended consequences to small rental property owners. This has proved to be the case in other cities who have implemented "rent control" laws. Many fixed income seniors and owners of 2-4 owner-occupied units with low rental income units are typically most adversely affected by rent control. As their expenses increase disproportionately to their ability to increase rents, financial strain is inevitable. All rental property owners should seek out housing related organizations or legal advice as they try to navigate through the new local and state laws.

All of our local housing related organizations like; EBRHA, Bridge Association of Realtors, Associated Real Property Brokers (ARPB), Asian Real Estate Association of the East Bay (AREAEB) and the City of Oakland's Rental Adjustment Program(RAP) agree that education is needed for property owners and tenants regarding the new rental housing laws. Collaboration among these organizations has increased the outreach, awareness and resources available to the rental housing industry.



ARPB Networking Breakfast - Georgia Richardson & Carmen Madden



ARPB Womens Council Lunch & Learn, EBRHA members - Erich Harris, Rosemary Darden, Georgia Richardson



Hispanic Chamber CC - Dan Walden, Evodio Walle, Chamber Pres.



Rotary Committee Fair



Committee Fair Georgia Richardson, Fred Morse, Nathan Durham-Hammer



Merritt College, BOMA Fellows program - Guy Forkner, Georgia Richardson



Hispanic Chamber CC - Speaker Marisol Rubio, Candidate for State Senate



Laney Food Bank



Rotary A's vs Giants - EBRHA Members Georgia Richardson, Rosemary Darden, Joycie Mack, Velma Chavis



Bridge Association - Erich Harris, Georgia Richardson, Willie Garner



Backroom housing deal reflects failed policies

BY SID LAKIREDDY

Housing solutions have been touted for the past year as the top priority of our legislative leaders. Leaders have continued to highlight various reports about the need for more housing including the most recent report that stated that Southern California needs to build 3.5 million new housing units to ease the crisis.

However, instead of moving forward with progressive and innovative policies that would expedite new housing or encourage Californians to take the risk and buy their first rental property, they have decided to shelve most of those proposals and support failed policies that have been rejected by voters and communities for years.

San Francisco, Santa Monica, and New York are the same cities that have some of the highest rents in the nation with massive housing shortages.

We represent the thousands of small rental property owners in this state and are disappointed to see a backroom deal emerge with state leaders and large corporate interests. This deal ignored the interests of thousands of mom and pop rental property owners. The provisions of the deal are enshrined in Assembly Bill 1482 and now is supported by associations whose members represent Wall Street while disproportionately harming small rental property owners.

Why place restrictions on the smallest rental property owners? Such restrictions will force them out of their properties and further shrink the available housing supply.

In fact, the legislation would apply to anyone who just owns one duplex or fourplex. These small mom and pop property owners often have taken huge personal risk to purchase a rental property. Every time this risk is taken by a small business owner, it helps to alleviate the housing crisis by creating new housing units.

Now this legislation most likely will force many of them to sell their properties and discourage anyone else from taking such a risk. Only large corpo-

rations are poised to take these risks as they plan to raise rents every year to the maximum.

Let's just look at the cities that have long-standing rent control policies such as San Francisco, Santa Monica, and New York. These are the same cities that have some of the highest rents in the nation with massive housing shortages.

This is why those areas that implemented rent control had a higher rate of gentrification than communities that do not have these policies. What has this legislation done to prevent this from happening across the state? When government increases the burden on the property owner, then the property owner is going to be forced to sell. And most likely, the small property owner is going to sell to a large corporation.

For those that do not sell, rents will not stabilize, but will continue to increase. There is currently no provision to pass on a rent increase not taken one year for a future year when an increase is needed to offset new and higher taxes or costs to the property.

This will result in property owners being forced to take the maximum rent increase allowable since there are now rent caps and no ability to bank these increases for the future if it becomes necessary in order to make ends meet. This means renters who do not currently experience annual rent increases will now experience rent increases of over five percent every year. This may make it even harder for many families to afford to live in California.

There is a reason why the voters of California overwhelmingly rejected rent control last election and why 56 of 58 counties have rejected rent control. It does not work. It forces more gentrification, Wall Street corporate ownership, forces out small mom and pop businesses, and continues to drive up rent on families.

While this backroom deal looks baked, it is not too late for legislators to do the right thing. Reject AB 1482 that will raise rents on Californians while benefiting the largest corporations. We can do better.

THE FUTURE OF HOUSING

BY RON KINGSTON

With hundreds of cities and counties across America trying to deal with a dearth of housing stock, public officials at all levels are getting involved. Whether these policymakers are in the early stages of debate or actually implementing changes, rental property owners in many situations are viewed as the villains. As long as that narrative continues, the one's with the most to lose will continue to be left on the outside of the discussion; with minimal opportunity for feedback. California Strategic Advisors will be publishing a 3-part series that examines the future of housing and provides viable solutions to ensure rental property owners are substantial players in the process. Part 1 will examine the current housing climate.



The biggest problem for rental property owners is for the public to understand the importance of providing shelter.

While campaigning, Governor Newsom stated he would address the housing shortage in California by committing to the development of 3.5 million new homes by 2025. 8 months later and experts have noted that there has been a 16% decrease in housing production compared to last year. Attempts such as withholding funds from local governments that do not approve new housing have been greatly watered down, with many believing the new policy has no enforcement mechanism and is unlikely to yield results. The legislative solutions from last year have been greatly exacerbated due to increased material costs, lack of construction workers, concerns about natural disasters, new or more restrictive lending criteria, and tariffs on material. These are issues that cannot be fixed with a wand or legislative mandate.

The proposed and recently signed into law legislative solutions on solving the housing crises place a greater weight on property owners than anyone else including government. This year the California legislature considered more than 200 housing bills. Solutions like SB 50 (Weiner), which proposed to remove single family zoning in areas

within a quarter of a mile of a transit stop, establish state control over zoning issues by permitting midrise housing development in those areas was a forward thinking bill that failed in the house of origin. While the bill died in Senate Appropriations, many legislators have already publicly

claimed they will push for it to be passed next year. Weiner's proposed solution would not create immediate relief, but it would be a boon for developers as multifamily units have proven to be a greater windfall than single-family homes. Other state legislators have sought to focus on the current costs of rent. Assemblymember Wicks took a "softer" approach and pushed for a statewide registry on all rental properties in the state. Such an approach delays a solution but equips the Legislature with data to push harder on rental owners. Assemblymember Chiu's solution is by far the most extreme attack on rental owners; AB 1482 places a cap on rental increases while allowing local counties to make the cap as low as they believe is reasonable. Next month we will write on how to comply with Mr. Chiu's bill. Not one of the solutions that we note in this article or any other bill will solve the housing crises in the short term or long term, but they do an excellent job of shifting the burden away from those charged with ensuring California



takes care of all its citizens. And we submit, that they will do significant harm to the interest and development of badly needed housing stock.

The media has certainly contributed to the fearmongering of housing

but to suggest it is all fake news would be a gross overstatement. Solely blaming the media is non-sensical when respected bodies like the United Nations declare the homelessness issue in San Francisco rises to the level of

a human rights violation. Specifically, the UN report criticizes San Francisco and Oakland for their denial of basic services to many residents in encampments across the Bay Area. Truthfully, that assessment can be applied to most areas in California due to a severe lack of a safety net for homeless. The reason this has become a rental owner's problem is likely due to many claiming they became homeless due to the high rise of rent and evictions. As Forbes.com recently noted, the media is playing "fast and loose with eviction data," the Forbes is correct that the eviction data is being misused to paint a picture of rental owners as the problem. Unfortunately, just because the media is confusing correlation with causation does not mean that housing issues are completely fabricated. Forbes suggest combatting this exaggerated narrative with more facts and data, but



With over 20 years of experience, it is important to leverage our knowledge base to be seen as the subject matter experts in housing.

in politics a good story sells far better than empirics. When thousands of people are rallying across the state it at least forces the hand of Legislators to do something.

The biggest problem for rental property owners is their image. Right

now, property owners and managers are seen as the nice term for "owners" by many in the California State Legislature; even though we know that terminology is fraught with its own negative connotations.

This characterization has allowed housing advocates

to suppress your voice and in turn remove you from the policymaking process. Lobbyists can articulate your points, but when the general perception is that you are the villain it is increasingly difficult to offer substantive solutions and be taken credibly. To adjust the rental owners' image will not require millions in funding and a brand-new PR campaign. Instead, it requires being seen as one of the groups willing to engage and fight for a solution. Moving away from a perception of being reactive to one willing to ask the hard questions and make the tough choices. Some of these choices could feel like cutting your nose off to spite your face, but as the next edition of this series will argue sometimes that we must sacrifice in the short term to gain meaningful change in the long term. And friends, this is not a 9-inning game of baseball. This is a full-on season with playoffs, and we have only just begun.



Dear NAA Members,

I'm writing with an update on pending rent control legislation in the state of California. A statewide rent control and tenant protection bill – Assembly Bill 1482 – passed the state legislature this week and is expected to be signed into law by Governor Gavin Newsom at any time. Once enacted, this bill will have a detrimental impact on residents, communities and the apartment industry throughout the state. Please continue reading below for a brief analysis of the legislation. In response to these disappointing actions, NAA released the following media statement:

“It is unfortunate that the California legislature and Gov. Newsom chose to enact statewide rent control under AB1482. The bill represents the implementation of a failed policy that does nothing to increase the supply of housing affordable to all income levels, and it is contrary to the expressed will of California voters in last November’s defeat of Proposition 10. Thirty years of academic research and the tangible effects of rent control in cities show this to be true. It is no coincidence that three of the nation’s most expensive places to live, including San Francisco, New York and Washington D.C., continue to grapple with housing affordability despite their long-standing rent control ordinances. The apartment industry will continue to advocate for policies that provide durable and sustainable solutions for California’s housing crisis.”

The new law, known as the Tenant Protection Act of 2019, caps annual rent increases at 5 percent plus inflation for all buildings 15 years or older, determined by the property’s initial certificate of occupancy. It allows for vacancy decontrol, meaning rents may be set to market rate once a tenant leaves a unit, and exempts owner occupied single-family rentals, condominiums and owner-occupied duplexes. The legislation does not preempt any municipal rent control ordinances in effect across the state and allows for cities to enact stricter forms of rent control under the Costa Hawkins Act of 1995. According to an estimate by UC Berkeley’s Terner Center for Housing Innovation, two million additional apartments will be covered by some limitation on rent increases as a result of this legislation.

According to the Wall Street Journal, “The rent cap could encourage landlords to increase rents up to the limit each year rather than respond to the market. Landowners might also decide it’s more profitable to convert buildings to condos, which would further limit the stock of rentals. The biggest harm so far has been to increase uncertainty for developers.”

The bill also establishes just cause eviction protections for renters who have occupied a property continuously for 12 months or longer. For no-fault terminations, defined as termination of a tenancy to allow for an owner or relative to move into a unit, the removal of a property pursuant to the Ellis Act or a substantial remodel of a unit or building, the property owner must provide relocation assistance of one month’s rent regardless of tenant income. The owner may choose to waive, in writing, the last month’s rent prior to the rent becoming due in lieu of a relocation payment. This must be completed within 15 days of providing notice to the resident in question. Noncompliance with these requirements voids the termination notice and maintains the tenancy. For more information on AB1482, please see this fact sheet, below, from the California Rental Housing Association.

Enactment of this legislation will almost certainly embolden forces elsewhere in the country to pursue similar laws. NAA continues to partner with local affiliates and other like-minded organizations to fight back against such efforts and, instead, pursue rational and comprehensive solutions to housing affordability challenges. Look for more information on our efforts in the coming months.

–Statement provided by NAA President Bob Pinnegar

AB 1482 (Chiu) Tenant Protection Act of 2019: Rent Caps Quick Facts

As you know, Governor Newsom called for statewide rent control in his State of the State Address in January. Throughout the year, CalRHA has engaged in ongoing negotiations with the Governor and Legislature on this issue. Ultimately, the Governor pushed a deal through the Legislature via AB 1482, which will cap annual rent increases in California at 5% plus CPI and require rental property owners to have “just cause” in order to evict tenants. The bill passed out of the Senate on September 10th on a 25/10 vote, then passed out of the Assembly on 48/26 vote. The Governor will sign the bill soon, but no later than October 13th (the bill signing deadline). Below is an analysis of the new law:



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KEY PROVISIONS

- Caps annual rent increases at 5% plus the change in cost of living, as measured by the Consumer Price Index (CPI), for all rent increases occurring on or after March 15, 2019
- If an owner increases rent by more than this cap between March 15, 2019 and January 1, 2020, the rent on January 1, 2020 must be what the rent was on March 15, 2019, plus 5% plus CPI
- Authorizes owners who increased rent by less than 5% plus CPI between March 15, 2019 and January 1, 2020 to increase the rent twice within 12 months of March 15, 2019, but not more than 5% plus CPI
- Beginning January 1, 2020, requires owners to have just cause in order to evict tenants for tenants who have occupied a unit for at least 12 months, or up to 24 months when an adult tenant adds onto a lease (change in roommates)
- Rental property owners will still be able to evict for at-fault reasons, e.g. failure to pay rent, breach of lease, criminal activity, creating a nuisance, committing waste, refusal to execute a written extension or lease renewal, refusal to allow owner to enter
- Owners can also evict for no-fault reasons, e.g. when the owner or their family plans to occupy the property, if they want to remove the property from the rental market, if they intend to substantially remodel the property, if they are ordered to vacate by a government agency or court
- Requires property owners to provide relocation assistance, without income qualification by tenants, via one month's rent or rent waiver for no-fault evictions within 15 calendar days of serving notice, and to notify tenants of the relocation assistance
- Does not amend Costa Hawkins, so local governments cannot apply a local rent cap to units not covered by Costa Hawkins (i.e. single family homes, multi-family units built after 1995)
- Does not contain vacancy decontrol provisions, so units can return to market rent prices when vacated
- Contains a 10-year sunset, so the requirements in the bill will expire in 2030

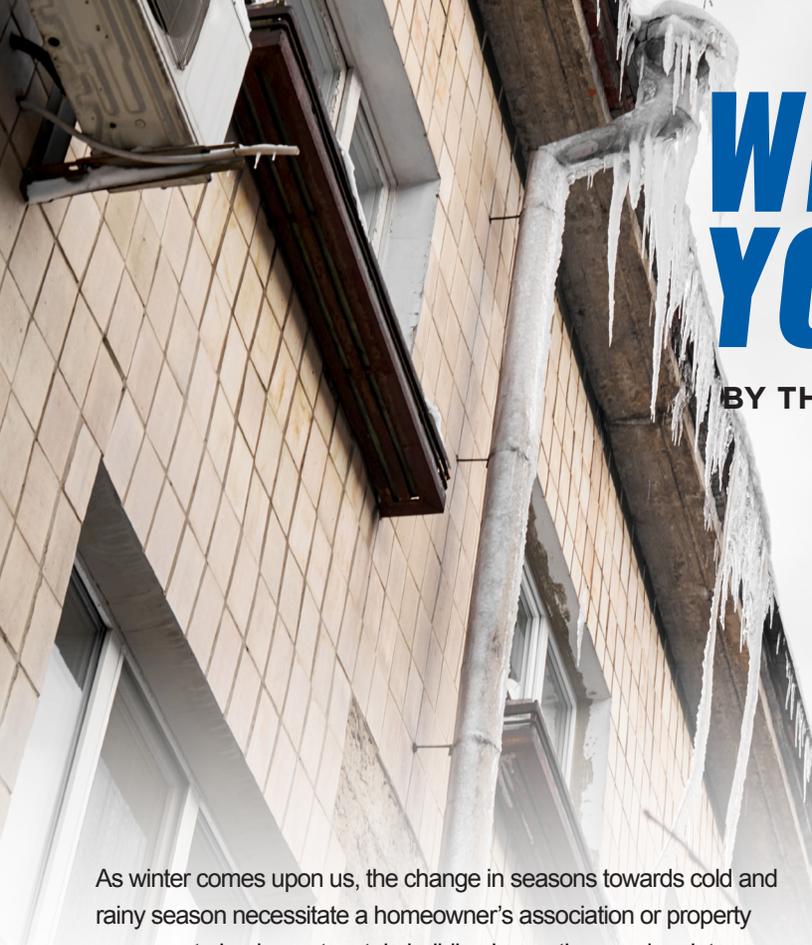
EXEMPTIONS

Owners of exempt properties must provide tenants with a specific notice regarding the exemption starting July 1, 2020. For tenancies existing before July 1, 2020, this notice may be provided in the rental agreement, but written notice must be provided by August 1, 2020, or as an addendum to the lease or rental agreement. For tenancies starting or renewed on or after July 1, 2020, this notice must be provided as an addendum to the lease or rental agreement, or as a written notice signed by the tenant, with a copy provided to the tenant.

The following residential properties are exempt from the requirements in AB 1482:

- Units subject to existing rent control or just cause eviction requirements
- Deed-restricted affordable housing and dormitories
- Single-family homes, except for those owned by corporations, REIs or LLCs with at least one corporate member
- Owner-occupied duplexes (this would include ADUs)
- New construction for 15 years (all units for 15 years after receiving their first certificate of occupancy)

Provided jointly by NAA and CaIRHA



WINTERIZING YOUR HOA

BY THOMAS BARBEIRO

As winter comes upon us, the change in seasons towards cold and rainy season necessitate a homeowner's association or property manager to implement certain building inspections and maintenance protocols.

The short-term winter comfort of the residents and the long-term preservation of the community's integrity will be well served through attention to the following list of items:

Gutters and Downspouts:

Look to have all of the rain gutters cleaned and cleared of debris. Further, insuring that the rain gutters are all attached properly to the roofline and do not have any gaps in the gutter connections. If the gutters have a debris screen, insure that the screen is in tact and clean – as these screens can clog, resulting in the rain water flowing over the top of the rain gutter and directly onto the building, as if there was no gutter there at all.

Downspouts need to be inspected for breaks in their connections to the rain gutter itself and their connections to the building. Additionally, insure that the area at the bottom of the downspout where the water is released is clear of debris that may prevent the water from escaping the downspout. More still, look at the area where the downspout water is exiting to insure that the water is not pooling against the building and that the water is not flowing across walkways.

Landscaping:

Be sure to have landscaping pruned away from the side of the building so as not to scrape against the building during windy

days. Along this same line, have landscape debris (leaves, ground cover, etc.) raked away from the side of the building and away from the fence lines to prevent pooling of water against the building. It is this same debris, when left moistened for long periods of time, shall result in the decay of the bottom of the fence and the decay of building siding.

Exterior Pipes:

Though rare, extended below freezing temperatures do occur in the Bay Area, resulting in some very expensive pipe repairs. Be sure to add pipe insulation to exterior hose bibs and exterior landscape water sources.

In some higher elevations with extended frost occurrences, consider having the irrigation systems flushed for the winter season.

Decks and Balconies:

For wood decks, sweep the decks to prevent debris from seeping into the seams between the deck boards during the winter which often results extending the life of the deck boards and the deck as a whole.

For concrete decks, sweep the decking to insure that debris does not hold in winter moisture against the building.

For all decks, remove any carpets from the decks during the rainy seasons to prevent a prolonged wet surface that will result in water pooling and escalating any decay to the decking materials and the building exterior. As well, make sure that water is not pooling against the building side or the entry door.

Check for structural wood decay and have those areas repaired. Check for bird nesting and insect infestations and have these removed.

Stairways:

Check the stair treads for any accumulated debris that may result in a slick surface on a rainy day. Freshly painted wood stair treads are notoriously slick in winter conditions. Further, concrete stairs can accumulate a mossy growth that is slick when wet.

Consider adding non-skid stair tread nosing or non-skid adhesive strips to the surfaces of your stair treads and landings.

Be sure to secure stair treads and railing during these inspections.

Exterior Lighting:

As winter daylight drops to about nine hours per day, darkness falls earlier – making exterior lighting not only imperative, but a source of liability if not fully functioning properly.

Do an after-dark inventory of all exterior lighting. This inventory must include:

- Unit Entry / Porch Lighting
- Parking Lot Lighting
- Carport Lighting
- Landscape Lighting
- Walkway Lighting
- Building Lighting
- Hallway Lighting
- Motion Sensor Lighting
- Emergency Battery-Back Up Lighting

It is suggested that, when replacing light bulbs, that all lighting be upgraded to LED lighting to lower electrical costs, provide a more consistent lighting, and provide a much longer lifespan.

Roofing:

Especially an issue with clay tile roofing, look for roofing tiles that are damaged. You may note a random tile, or piece of a tile, just sitting on the top of the roof. This is always a sign of a damaged tile that may not be initially visible. Same goes for asphalt shingle roofing, but in this case, it is often the flashing along the side of the roof that is the weakest point.

On a flat roof with a built-up membrane, look for tears, punctures, or discoloration of the top of the roofing membrane. Each is evidence of damage to the roof that may result in a leak. Also – shortly after a rain storm, make an inspection of the roof for excessive pooling areas of water – as this is a sign of debris preventing the water from following the slope of the roof, or clogged drain hole and scuppers along the side of the building.

Sidewalks, Concrete Curbs, and Asphalt Driveways

There are two concerns in these areas;

First is drainage.

Second are trip hazards.

Drainage on a sidewalk should always result in the water draining off of the sidewalk and onto perimeter landscaping or into drain grates. In the parking area, pooling water next to concrete curbs or within established parking areas makes for a very uncomfortable

trek from one's car to their unit.

Look for clogged drain inlets/grates. And look for landscape debris accumulations near sidewalks and parking areas that may prevent rain runoff from draining properly.

Regarding trip hazards, these include pot holes in asphalt and lifted surfaces on sidewalks and asphalt walking areas. Each of these hazards are liabilities when it is dark and raining – leading to residents and guests twisting ankles in a pot hole or a face-plant where a root has lifted the sidewalk.

In parking areas, fill all open pot holes with a cold-patch asphalt product and compact it with a heavy vibrating compactor. Concrete sidewalks with elevation pop-ups in excess of 3/8" should be ground down flush ideally, or, in a pinch, marked with a 4" yellow or orange painted line to warn pedestrians of the hazard – though this is not always that helpful while walking in the dark.

Homeowner Maintenance

Provide the residents with a flyer or instructions on their own in-house winter maintenance tips to allow them to ensure the longevity of their own home environment.

Homeowner interior winterizing maintenance should include:

- Replacing All Furnace Filters and Clean The Grills
- Replacing All Batteries in Smoke Detectors and Carbon Monoxide Detectors – and Run The Self-Test On Each One
- Replacing Seals Around Entry Door and the "Sweep" at the Bottom Of The Door
- Cleaning Bathroom Exhaust Fan Dust From Grate To Insure Moisture Is Getting Out
- Checking Connections / Replacing Dryer Vent Tubes Behind Dryer
- Check Fire Extinguisher for Expiration Dates and that they are Fully Pressurized.
- If You Have Floor-Mounted Heater Vents – Remove the Grill and Vacuum the Vents to Prevent Accumulated Dust From Blowing Up When You Turn On Your Heater For The First Time This Winter
- Insure That Windows Close Fully And Lock – Otherwise, Clean Debris From The Window Channels.

By Thomas Barbeiro

For any necessary repairs, call on a licensed, bonded, and insured professional general contractor like ALP Construction and Painting for your multifamily construction solutions.

ACTIVATE YOUR VOICE

1. EBRHA On Your Side

Have you experienced a situation or ruling that you feel infringed on due process as a property owner? We constantly hear about outcomes that are just plain wrong. EBRHA collects member experiences in order to make changes to a broken and biased system. Tell us your story today at www.ebrha.com

2. Grand Jury Complaints

This investigative body looks at complaints received from citizens alleging mistreatment by officials, suspicion of misconduct, or government inefficiencies. To file a complaint, send an email to grandjury@acgov.org.

3. Attorney Complaints

The Office of Chief Trial Counsel reviews complaints of unethical conduct by attorneys licensed to practice in California (this includes Rent Board hearing officers and tenant attorneys engaged in suspicious misconduct). To file a complaint, go to www.calbar.ca.gov, find the "Quick Links" on the left side, and then click on "Attorney Complaints" and complete the application.

EBRHA IS HERE FOR YOU. KEEP US INFORMED ON ANY COMPLAINTS FILED WITH THESE AGENCIES.

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UPCOMING WORKSHOP

Rental Property Management (RPM) 101

DATE & TIME

WEDNESDAY, OCTOBER 16, 2:00 P.M. - 3:30 P.M.

PRESENTED BY

BRENT KERNAN, ATTORNEY & EBRHA BOARD MEMBER

PRICE

FREE TO EBRHA MEMBERS, NON-MEMBERS \$69



TOPICS

Notices, Terminations, Security Deposits & Abandonment

TO SEE EBRHA'S FULL CALENDAR OF EVENTS, TURN TO PAGE 32 OR GO TO WWW.EBRHA.COM

Unless noted, all workshops are held at

3664 Grand Avenue • Suite B | Oakland, CA 94610

**TO REGISTER, GO TO EBRHA.COM/EVENTS
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community calendar

EVENTS & CLASSES

October

TUESDAY, OCTOBER 8TH

Small Property Roundtable

Presented by: Wayne Rowland, EBRHA President
The Small Property Owner Roundtable is a casual meeting to discuss issues, experiences and solutions to common--or perhaps not so common--problems many of you may be facing
EBRHA Members Only
4:00 p.m. - 5:30 p.m.

WEDNESDAY, OCTOBER 16TH

Rental Property Management (RPM) 101 Before You Lease Your Unit

Presented by: Brent Kernan Attorney & EBRHA Board Member
Topics: Topics: Habitability vs. Substandard Housing, Fair Housing, Developing Screening Criteria, Marketing to Movie-In
.Free to EBRHA Members, Non-Members \$69
2:00 p.m. - 3:30 p.m.

SATURDAY, OCTOBER 19TH

EBRHA Member Meeting

Topic: Oakland Rent Adjustment Program
Presented by: Chanee Franklin-Minor - Program Manager
Topic: Q & A
Presented by: Charles Alfonzo, Attorney of Burnham Brown Law Office
Enjoy a complimentary continental breakfast
EBRHA Members Only
Networking 9:30 a.m. | Meeting: 10:00 am - Noon

THURSDAY, OCTOBER 24TH,

13th Annual Trade Expo

Greek Orthodox Church, 4700 Lincoln Avenue, Oakland CA
3:00 p.m. - 7:00 p.m.

WEDNESDAY, OCTOBER 30TH

Property Management Q&A

Presented by: Judy Shaw, EBRHA board member
Come and get answers to property management questions from expert Judy Shaw, EBRHA Board Member
EBRHA Members Only
2:00 p.m. - 3:30 p.m.

November

TUESDAY, NOVEMBER 8TH

Small Property Roundtable

Presented by: Wayne Rowland, EBRHA President
The Small Property Owner Roundtable is a casual meeting to discuss issues, experiences and solutions to common--or perhaps not so common--problems many of you may be facing
EBRHA Members Only
4:00 p.m. - 5:00 p.m.

WEDNESDAY, NOVEMBER 13TH

Rental Property Management (RPM) 102 Duration of the Tenancy

Presented by: Carmen Madden, EBRHA Board Member
Topics: Topics: Rental Agreements & Addenda, Rent Control vs. Rent Regulation, Habitability Issues, Managing the Tenancy.
Free to EBRHA Members, Non-Members \$69
2:00 p.m. - 3:00 p.m.

SATURDAY, NOVEMBER 16TH

EBRHA Member Meeting

Topic: Oakland Rent Adjustment Program
Presented by: Chanee Franklin-Minor - Program Manager
Topic: TBD
Presented by: TBD
EBRHA Board of Directors Election
Brief introductions of proposed Board Members running for election/re-election
Voting for the EBRHA Board Members 11:00 a.m. - Noon
Enjoy a complimentary continental breakfast
EBRHA Members Only
Networking 9:30 a.m. | Meeting: 10:00 am - Noon

No Refunds on no shows; Online advanced registration required! To register and pay, visit ebrha.com/calendar or call (510) 893-9873.
Unless noted, all classes and events are held at the **EBRHA Education Center, 3664 Grand Ave., Suite B in Oakland.**

Oakland



ANNUAL ALLOWABLE RENT INCREASE

2019-20 (3.5%)

RENT ADJUSTMENT PROGRAM FEE

Annual fees are \$68 per unit and are due March 1. However, this fee has just been increased to \$101. Owners are currently allowed to pass through \$34 to tenants.

BUSINESS TAXES & REGISTRATION

Registration fee is \$60 and is due March 1. Tax is based on annual gross rental income at a rate of \$13.95 per \$1,000 of gross rental income. Tax renewal declarations are mailed at the beginning of the year. Online payments accepted at www.ltss.oaklandnet.com

LANDLORD PETITION FOR EXEMPTIONS

Claims covered include new construction, substantial rehabilitation, and single-family homes or condominiums.

CAPITAL IMPROVEMENTS INCREASE

FORMULA

$(70\% \text{ of Improvement Costs} \div \text{Number of Units})$

$\div \text{Useful Life of Improvement}^*$

*REFER TO ORDINANCE FOR NOTICING, QUALIFICATIONS AND AMORTIZATION PERIODS. SEE USEFUL LIFE CHART ON CITY OF OAKLAND WEBSITE.

A CPI increase of 3.5% becomes effective on July 1, 2019. Tenants may only receive one increase in any 12-month period, and the rent increase cannot take effect earlier than the tenant's anniversary date.

In addition, California law requires that for tenancies receiving greater than a 10% increase, a 60-day notice is required; if the increase is 10% or less, a 30-day notice is required. Owners can only impose "banked" rent increases equal to three times the current annual allowable rent increase rate. See schedule at right.

PERIOD	AMOUNT (%)
JULY 1 '19 - JUNE 30 '20	3.5
JULY 1 '18 - JUNE 30 '19	3.4
JULY 1 '17 - JUNE 30 '18	2.3
JULY 1 '16 - JUNE 30 '17	2.0
JULY 1 '15 - JUNE 30 '16	1.7
JULY 1 '14 - JUNE 30 '15	1.9
JULY 1 '13 - JUNE 30 '14	2.1
JULY 1 '12 - JUNE 30 '13	3.0
JULY 1 '11 - JUNE 30 '12	2.0
JULY 1 '10 - JUNE 30 '11	2.7
JULY 1 '09 - JUNE 30 '10	0.7
JULY 1 '08 - JUNE 30 '09	3.2
JULY 1 '07 - JUNE 30 '08	3.3

Visit www.ebrha.com/members to see previous adjustments.

FOR FURTHER INFORMATION CONTACT:

Oakland Rent Board

250 Frank H. Ogawa Plaza, Ste. 5313
Oakland, CA, 94612
510.238.3721 | www.oaklandnet.com

Berkeley

ANNUAL ALLOWABLE RENT INCREASE

2019 (2.5%)

RENT STABILIZATION BOARD FEES

Annual fees are \$270 per unit and are due July 1.

RATES OF ANNUAL PAYMENT OF SECURITY DEPOSIT INTEREST

PERIOD	AMOUNT
BERKELEY RATES	
DEC. 2018	0.1%
DEC. 2016	0.1%
DEC. 2015	0.1%
DEC. 2014	0.1%
DEC. 2013	0.1%
DEC. 2012	0.2%
DEC. 2011	0.3%

FEDERAL RESERVE RATES

DEC. 2014	N/A
DEC. 2013	0.3%
DEC. 2012	0.5%
DEC. 2011	0.4% (CORRECTED 11/3/2011)
DEC. 2010	0.4%
DEC. 2009	1.1%
DEC. 2008	3.4%

Beginning in 1998, adjustments are not allowed for the year following a tenant's initial occupancy. To obtain the maximum amount for a specific address, please use the "Rent Ceiling Database" calculator on Berkeley's Rent Board website.

Visit www.ebrha.com/members to see previous adjustments.

PERIOD	AMOUNT
2019	2.5%
2018	2.3%
2017	1.8%
2016	1.5%
2015	2.0%
2014	1.7%
2013	1.7%
2012	1.6%
2011	0.7%
2010	0.1%
2009	2.7%
2008	2.2%
2007	2.6%
2006	0.7%
2005	0.9%

(1% + \$3 IF TENANCY CREATED AFTER JAN. 1999)

*ADDITIONAL ADJUSTMENTS ARE ALLOWED IF AN OWNER PAID FOR ELECTRICITY OR HEAT.



FOR FURTHER INFORMATION CONTACT:

Berkeley Rent Board

2125 Milvia Street
Berkeley, CA 94704
510.981.7368 | www.ci.berkeley.ca.us/rent

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