



Rental Housing

EAST BAY RENTAL HOUSING ASSOCIATION | AUGUST 2020

EVERYTHING
YOU NEED
TO KNOW
ABOUT
SQUATTER'S
RIGHTS

PLUS:
THE FUTURE OF THE MULTIFAMILY
SECTOR IS ELECTRIC
HOW OFTEN SHOULD YOU CHECK
IN ON TENANTS?



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EBRHA OFFICE

3664 Grand Ave., Suite B, Oakland, CA 94610
TEL 510.893.9873 | FAX 510.893.2906
www.ebrha.com

EBRHA STAFF

Marcia Hodges | marcia.hodges@ebrha.com 510.318.8305

ASSOCIATION EXECUTIVE

Shani Brown | shani@ebrha.com | 510.893-9873 ex. 103

OFFICE MANAGER

Ash Sukumar | communications@ebrha.com | 510.893-9873 ex. 104

COMMUNICATIONS & EVENTS SPECIALIST

Danielle Baxter | sales@ebrha.com | 510.893-9873

SALES & MARKETING COORDINATOR

EBRHA OFFICERS

PRESIDENT Wayne C. Rowland

FIRST VICE PRESIDENT Luke Blacklidge

SECOND VICE PRESIDENT Irina Gelfenbeyn

TREASURER Taylor Hines

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PUBLISHER

Marcia Hodges

ADVERTISING

Shani Brown | 510.893-9873 ex. 103 | shani@ebrha.com



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contributors



BECKY BOWER

Becky Bower is a marketer and writer who specializes in legislative trends. As Contemporary Information Corporation (CIC)'s Content Specialist, she authors in-depth guides on how to manage, grow, and scale within the rental housing industry on the CIC Blog.



RON KINGSTON

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.



KATIE RIGSBY, CAPS

A multi-family maven with over 20 years of industry experience, Katie Rigsby began her career as a leasing professional working her way through the ranks to become Senior Executive, fully responsible for a portfolio consisting of 3,000 units, two hotels, two shopping centers and nearly 200 employees. Today, as the President of Katie Rigsby Inspires, LLC, Katie shares her experience and expertise as an industry consultant and keynote speaker. She contributes to the industry by writing for magazines such as Rent & Retain, by serving on her local apartment association and as a faculty member of the NAA Education Institute. An NALP, CAM and CAPS credential holder, Katie couples her industry education with years of experience to deliver an engaging, informative and inspirational learning experience with a side of humor. If you are interested in learning more about Katie or the services she provides, please visit her website at www.katierigsby.com



NICOLE SEIDNER

Nicole Seidner is a copywriter at the CIC Blog. She holds a degree in Writing from Savannah College of Art and Design with a focus in creative nonfiction. Her free time is spent taking pictures of her dogs or reading deep dive analysis on movies that she hasn't seen.



ALAN SIMPSON

Alan Simpson is a second-generation property owner, and longtime member of EBRHA. Alan has owned, lived in, and managed rental housing in many different neighborhoods of Oakland over the years, for which he maintains a fair working knowledge of the laws and business practices associated with the profession, enabling the creation of his personalized leasing forms. Educated as an Industrial Engineer, in retirement, he nevertheless enjoys continued hands-on management of rental housing in Oakland, his favorite place to be.



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EVERYTHING
YOU NEED
TO KNOW
ABOUT
SQUATTER'S
RIGHTS

BY BECKY BOWER

IN MOST SITUATIONS,

the people who live in your building or complex are the ones who are paying you to be there. These people may pay their rent, have signed a legally binding document with you, etc. Occasionally, groups of people or individuals can take up residence within your property. In these situations, they aren't paying and you haven't signed any legal documents allowing them to be there. These people are generally referred to as "squatters."

This can be a frustrating situation for property owners and managers as they would be in a position where there is an unauthorized tenant. It can also be quite heartbreaking to know that in many cases, these squatters don't have anywhere else to go.

WHAT PROPERTY MANAGERS NEED TO KNOW ABOUT SQUATTER'S RIGHTS

Even though squatters aren't paying to be there, some laws require property managers to provide these unauthorized tenants with an eviction notice, before they can be displaced. These eviction notices need to be delivered either through the local police department or by mail. This means that squatters need to be treated just like renters that have fallen behind on their rent. Even though they may have never made a payment to be there, you can't just kick them out.

Almost every state has some regulations regarding squatter's rights. For example, California allows a squatter to claim that they have possession of a home or building after they have established their residency. Claiming residency, in this case, is easier than you might think – all they need to do is have mail and bills sent to the address, come and go through the front door, and pay property taxes for at least five years. However, if the property manager or owner catches on to the situation (or in many cases, the squatter doesn't pay the property taxes), the squatter can be arrested for trespassing and evicted by the civil court system.



PROPERTY MANAGERS NEED TO KEEP AN EYE ON THEIR VACANT PROPERTIES

The chances are that you will have vacant properties from time to time. Just as it is crucial to ensure that properties are secure and operational during these vacancies, it is also necessary to visit frequently. The best way to keep squatters out is to ensure that they don't discover a vacancy is unsupervised.

If hiring a full-time security guard isn't an option, then it might be necessary to set up some unpredictable visit cadence

where the property can be checked for routine maintenance needs and overall safety. Squatters will watch buildings for some time before they attempt to set up residence. If you want to ensure that this doesn't happen to you, make sure that they don't identify a window of opportunity.

Understand that in most states, you can't add padlocks or barricades to keep squatters out. Further, you can't

shut off utilities, and you can't try to intimidate either. The best course of action is to contact law enforcement and ask for their assistance. Do not wait, as the longer you wait; the more inclined the court will be to believe that you provided consent.

If law enforcement determines that this is a civil matter, you will need to commence the eviction process and provide notice to the squatter. In some cases, the squatter will vacate on their own. If not, you will need to pursue an unlawful detainer lawsuit to help you with the eviction. If your property becomes subject to squatters, be sure to check into the local regulations that apply. This will ensure that you handle the next steps appropriately and don't put yourself or the squatters in any harm.

THE FUTURE OF THE MULTIFAMILY SECTOR IS ELECTRIC

BY BAMBE PROGRAM STAFF

In 2018, as one of his final acts before leaving office, Governor Jerry Brown signed an executive order calling for California to achieve carbon neutrality by 2045. This gave California one of the most ambitious climate targets of any economy in the world, let alone the 5th largest by GDP (Gross Domestic Product). But what will carbon neutrality actually look like in California, and what does it mean for the state's growing multifamily residential sector?

There are 3 key steps to achieving this monumental goal:

1. Reduce total energy demand through both behavioral changes as well as gains in energy efficiency.
2. Transition to a clean power grid. California is a national leader in renewable energy and is already making great progress towards a carbon-free electricity grid, with the support of local Community Choice Energy providers such as East Bay Community Energy (EBCE) and MCE (mcecleanenergy.org).
3. Electrify everything. As the power grid becomes cleaner, the final step is to transition away from gasoline-powered transportation and natural gas-powered buildings towards all-electric technologies such as electric vehicles and heat pumps.

Building electrification is often the least discussed and least understood of these steps, but it's expected to play a major role in the state's pursuit of carbon neutrality over the next decade. According to the Building Decarbonization Coalition, buildings account for over 26% of California's greenhouse gas emissions, with the majority of those emissions coming from the combustion of natural gas for water and space heating. Even as all-electric buildings become the norm for new construction, the importance of electrifying the state's substantial stock of existing buildings must not be overlooked and will rely heavily on participation from the multifamily sector.

The Wide-Ranging Benefits of Electrification

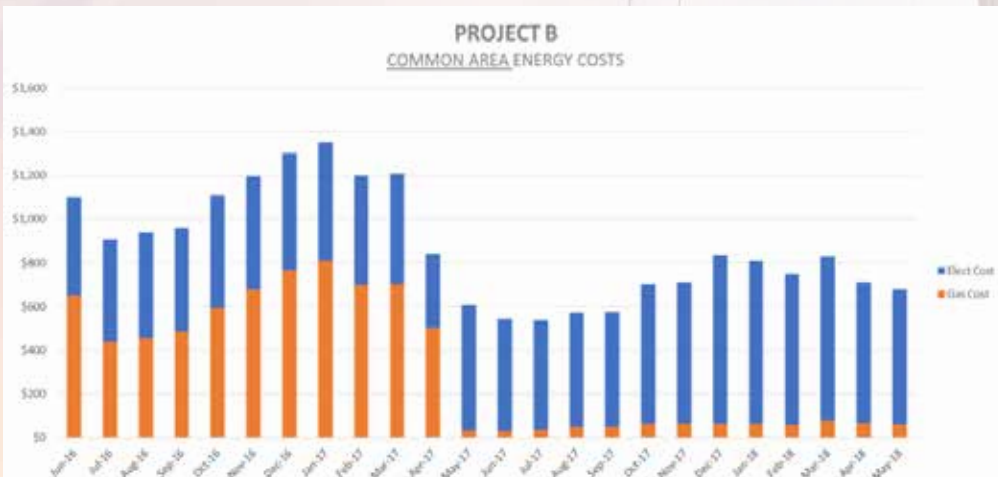
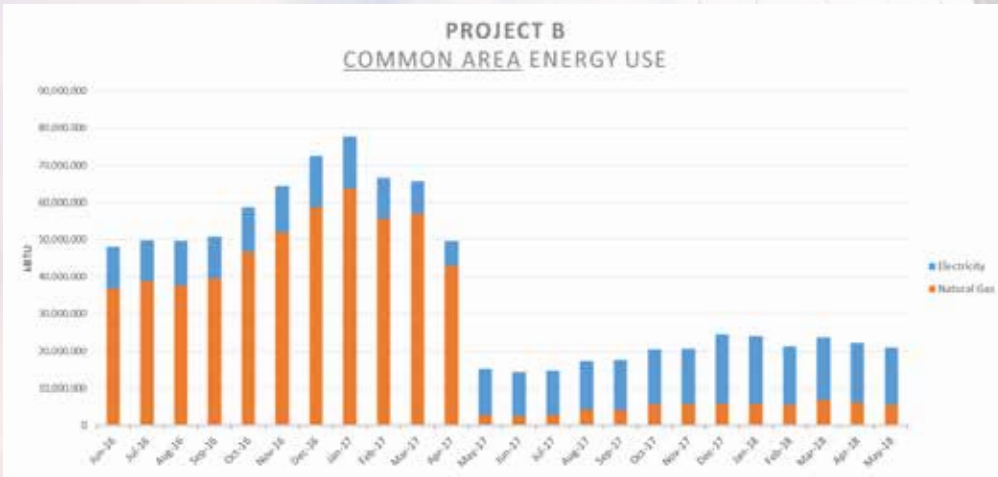
The good news is that the benefits of electrification reach far beyond some abstract measure of atmospheric parts per million. In fact, you don't need to care about climate change at all for electrification to be a smart investment; switching from gas to electric appliances can help properties save on utility bills and maintenance costs while improving tenant health and comfort.

Despite the higher cost of electricity as compared to natural gas, electric appliances such as heat pumps typically have lower operating costs than their gas counterparts. Why? The answer is simple: efficiency.

Traditional gas furnaces and water heaters work by burning natural gas and converting it into heat. Most high-efficiency gas or electric resistance units can successfully convert 80-90% of their energy source into heat and have a theoretical limit of 100%. Electric heat pumps, on the other hand, do not generate heat but rather simply move heat from one space to another. This means that a heat pump can transfer 3-4 units of heat for every unit of electricity it consumes, making it up to 5 times more efficient than a standard gas system.

When paired with weatherization and other efficiency upgrades, electrification can greatly reduce a building's total energy load and yield significant utility bill savings. Sheetal Chitnis of the nonprofit, Association for Energy Affordability, explains that "a well-insulated and air-tight building envelope reduces energy loads" which translates to lower utility bills, and can even lower installation costs by "requiring smaller equipment and electrical panel sizes."

Take for example, this real-world project, which we're calling "Project B." By combining new central heat pump water heaters with recirculation pumps, low-flow showerheads, faucet aerators, and pipe insulation, the property was able to not only reduce total energy use, but also cut its common area energy costs by over a third:



Total common area energy use and energy costs before and after installing central heat pump water heaters and several water efficiency measures. Building is located in the Bay Area and contains 36 units. Credit: Association for Energy Affordability.

New electric appliances also tend to have lower maintenance costs than aging or inefficient gas appliances. Of course, any appliance will incur additional maintenance costs as it ages, but by eliminating combustion, electric systems appreciate greater day-to-day reliability than even most new gas systems. While reduced equipment downtime is a great feature of efficient all-electric buildings, the most lasting impact of electrification is on the health and safety of the building's tenants.

Research from the US Environmental Protection Agency reveals that on average, indoor air pollution is 2 to 5 times greater than outdoor air pollution, and one of the primary sources is the combustion of natural gas for indoor space heating, water heating, and cooking. According to Chitnis, "studies show that occupants with gas appliances and equipment in their household are at higher risks of asthma attacks. Replacing combustion with electric technologies not only improves air quality but also eliminates potential health and safety concerns such as carbon monoxide and other harmful airborne pollutants spilling into the apartment."

Getting Started with Electrification

For older buildings with aging heating and cooling infrastructure, there is no time like the present to begin the process of electrification. Although technologies like heat pumps and induction cooking have been popular in other parts of the world for decades, they have not been widely available in North America until recently. With the market share of these products rapidly expanding, they are following a similar trajectory to that of solar PV last decade and prices are steadily dropping.

Upfront installation costs for heat pump equipment have yet to fully catch up to the low cost of gas equipment, but a slew of new rebates have closed the gap significantly. Ever since a 2019 decision by the California Public Utilities Commission allowed local governments to use public utility ratepayer funds to incentivize gas-to-electric conversions, public agencies across the state have scrambled to begin offering their own electrification rebates.

One of the first was the Bay Area Regional Energy Network (BayREN), a collaboration of local government agencies from across the Bay Area, which incorporated the Clean Heating Pathway into its award winning Bay Area Multifamily Building Enhancement (BAMBE) program. The BAMBE program offers multifamily

properties with 5 or more units no-cost technical consulting and \$750 per unit in rebates for energy and water saving upgrades, ranging from HVAC and domestic hot water equipment to weatherization upgrades, lighting, appliances, and more.

Now, property owners can add to their standard rebate amount by including electrification measures in their scope of work. The Clean Heating Pathway expands on the flexibility of the standard BAMBE program by adding up to \$1000 per unit for projects that include in-unit and central heat pump HVAC or domestic hot water systems, and even more for appliances such as heat pump clothes dryers, induction cooktops, or heat pump pool heaters.

To set up an appointment with a technical assistant to discuss your project, please fill out a brief online interest form at www.bayren.org/eligibility. You can also learn more about the BAMBE program by visiting www.bayren.org/multifamily or contacting the program at multifamily@bayren.org or (855) 213-2832.





UPCOMING EVENTS

To ensure the safety and health of our members, we have been diligently working towards shifting our educational and networking events to virtual platforms! We have had great participation in EBRHA's August online classes. Be sure to follow our email updates and keep up with our event calendar

(www.ebrha.com/events)

to learn more about what we have in store for you. We appreciate your support and flexibility as we continue to adapt our offerings in these unprecedented times!

Rental Property Management 101

Presented by EBRHA Board Member Joshua Polston
1:30-3 p.m. PST, Thursday, September 10, 2020
Zoom Webinar

Statewide Rent Control and Its Effect on Your Rental Property

Presented by EBRHA Board Secretary Brent Kernan
2-3:30 p.m., PST, Wednesday, September 16, 2020.
Zoom Webinar

Member Meeting

Speaker: Oakland City Auditor Courtney Ruby, CPA, CFE
10-11:30 a.m. PST, Saturday, September 19, 2020.
Zoom Webinar

Small Property Owner Roundtable

Presented by: Wayne Rowland, EBRHA Board President
2-3:30 p.m. PST, Tuesday, September 22,
Zoom Webinar

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HOW OFTEN SHOULD YOU CHECK IN ON TENANTS?

BY BECKY BOWER

When checking in with your tenants, there's a fine line between being helpful and accommodating, and getting too involved. While you want to make sure your renters are comfortable in their new home and be aware of any damages or repairs needed on your property, you also don't want to seem invasive or get your residents too dependent on you. Next thing you know, your tenants will be requesting you to change their light bulbs, or you'll have a bad online review at the end of the lease. The trick to seeming like a good property owner lies in striking a balance between the two extremes.

From living in countless rentals, I've had experience with both communicative and non-communicative property owners and property managers. My worst experience lied in a 2-bedroom apartment with a leaky faucet, broken bathroom fan, and the dreaded black mold. Despite calling the property management company multiple times, and leaving written requests, the manager never got back to me. My roommate even took off time at work to visit her office during her slim hours and was told by the secretary that she was wasting her time. While I'm sure you're a lot more involved with your rental property, it's important to note that the "no communication" method doesn't work. Sure, tenants like their privacy, but having a "no communication" policy puts your renters, your property, and your reputation at risk.

Obviously some communication between you and your renters is better than no communication whatsoever, but how many notices, emails, and text messages breach the threshold of too much?

Legally you must provide written notice to your tenants if you're going to be on the property. While the amount of time the notice must be given varies by state and purpose, providing notice is the easiest way to keep communication between you and your tenants going. How-

ever, be aware not to abuse this. If minor repairs are needed, don't send an individual notice for each task (or space the tasks out along a course of a week). If possible, try to complete all the repairs within one to two days. This not only saves you time and printer paper, but ensures that your tenants don't feel overwhelmed with all the repairs.



On the flipside, when performing repairs or renovations that take a long period of time, it's vital that you keep your renters in the loop. Despite having extensive repairs that took 3 weeks to do, my previous property owner never updated me on the progress after the initial written notice. When posed with questions, they would only respond with written notices and formal emails. Beyond signing the lease,

there was no in-person communication. In addition to sending your tenants notices and status updates on repairs and renovations, be sure to communicate in-person as well. If you rarely see your tenants, this doesn't mean you need to go out of your way to see your renters in person. An informal text or email following up on a recent repair or giving an update to a long renovation can boost your landlord-tenant relationship.

Additional things like Christmas cards, move-in checklists, and even giving your tenants a voice with the Spring landscaping aren't expected by most renters, but can significantly improve your relationship with your tenants. The happier your renters are, the more inclined they are to renew their lease or recommend your vacancy to someone they know. If you're in the process of looking for new tenants, start that relationship on the right foot by providing them with a convenient application process and speedy adverse action notices. Then, be sure to maintain a balance between not communicating and over-communicating from here on out.



An ongoing series



Tool: Tax Abatement

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Recommendations

2. Effective property tax incentives are balanced with affordability requirements.

Successful tax incentives can have economic, fiscal, and policy benefits that outweigh the implementation costs and foregone tax revenue.

Property tax incentives should be considered like other economic development-focused tax incentives that cities employ to attract business and investment. Residents that have lower housing costs are likely to stay in their neighborhoods and reinvest their income into the local economy, creating a multiplier effect that can benefit the entire community.

Property tax incentives with a direct approach should set the incentive to match the level of affordability the policy is aiming to achieve. Without an equitable match, a developer would not be incentivized to participate in the program. For example, consider a hypothetical policy designed to reduce rent by \$100 per month for a targeted income group. An effective tax incentive to support housing for this group would have to be approximately equal to the reduction in rent. In this instance, if the tax incentive is valued at less than \$100, then developers are not incentivized to produce the affordable unit, while incentives valued more than \$100 would not be an efficient use of public revenue.



Effective direct property tax incentives carefully evaluate the time period of the incentive to ensure that it aligns with the larger policy goals of the Incentive. Programs may have an initial period that can be extended through a longer-term exemption. Many cities also designate the timing of the incentive based on the specific geographic area in which the development is taking place.

To target deeper levels of affordability through a property tax abatement, incentives should allow tax reductions for market-rate units to cross-subsidize units at deeper levels of affordability. In strong markets, market-rate units can shift tax incentives allocated toward a mixed-income building toward deeply affordable units, allowing for the unit to be affordable at lower incomes.

Cross-subsidizing Affordability in New York

As the quintessential “strong market,” New York City has always tried to reconcile high demand with limited land. The 421-a program allows full property exemption for 35 years if 25-30% of the units are reserved for low- to moderate-income tenants. The property exemption on the market rate units allows for deeper levels of affordability for the subsidized units, which have a larger gap between the rent required and what households can afford to pay. This program has been a significant part of Mayor de Blasio’s affordable housing plan and is important to achieving the City’s goal to build or preserve 200,000 below-market-rate apartments by 2022.

Recommendations

3. Effective property tax incentives enable simple administration and developer participation.

Tax incentives should rely on a rule-based approval process. These programs should be designed to work in tandem with an existing development process that is predictable and limits discretionary review. Clear and consistent affordability requirements can keep tax abatement programs from being an additional regulatory hurdle for developers. If tax exemptions require a negotiation, developers and city stakeholders should have clear guidelines over the terms of such a negotiation.

Administrative simplicity influences the effectiveness of tax incentives. Administering policies with greater complexity and difficulty requires more time and resources. An onerous process also discourages developers from participating in a program and developing units.

Policies should keep income documentation and reporting requirements simple and should not replicate burdensome federal requirements. Tax incentive requirements are locally controlled and are not required to follow the complex requirements of federally funded programs. Many local governments default to existing federal requirements for income documentation and monitoring requirements. Complying with overly complex income documentation and monitoring requirements can require additional staff and training, creating a significant cost for developers to participate in the policy.

Resident selection processes should not impede the process of filling rental housing. Resident screening requirements for eligibility to occupy an income-restricted unit should be clear and easy to incorporate into the standard screening process. Identifying income-eligible residents can be a significant added cost for property owners. To reduce costs, local governments should work with a nonprofit partner to identify a pool of eligible residents from which property owners can draw. Policies must also manage the legal regulations of the incentives. They need to ensure that developments that do not adhere to policy requirements lose incentive status and pay back the abated tax revenues to the city through a process known as a “clawback.” This type of feature can help assuage local opposition to tax incentives, which are sometimes perceived as a “giveaway” to developers.

Recommendations Summary

To design effective property tax incentives, a city should take a three-tiered approach.

1) EFFECTIVE TAX INCENTIVES HAVE A DEFINED AND FEASIBLE APPROACH TO INCREASE AFFORDABILITY.

- Tax incentive policies should not only be limited to units that receive other federal and state subsidy sources.
- Tax incentives should be geographically targeted based on market conditions.
- The flexibility of tax incentives should be used to create an approach customized to a market. In markets where the supply of housing is limited by a lack of developable land, a direct approach is best.

2) EFFECTIVE PROPERTY TAX INCENTIVES BALANCE AFFORDABILITY REQUIREMENTS WITH INCENTIVES.

- Successful tax incentives can have economic, fiscal, and policy benefits that outweigh the implementation costs and foregone tax revenue.
- Property tax incentives with a direct approach should set the incentive to match the level of affordability the policy is aiming to achieve.
- Effective direct property tax incentives carefully evaluate the period of the incentive to ensure that it aligns with the larger policy goals of the incentive.
- To target deeper levels of affordability through a property tax abatement, incentives should allow tax reductions for market-rate units to cross-subsidize units at deeper levels of affordability.

3) EFFECTIVE PROPERTY TAX INCENTIVES ENABLE SIMPLE ADMINISTRATION AND DEVELOPER PARTICIPATION.

- Tax incentives should rely on a rule-based approval process. These programs should be designed to work in tandem with an existing development process that is predictable and limits discretionary review.
- Administrative simplicity influences the ability of tax incentives to be effective.
- Policies should keep income documentation and reporting requirements simple and should not replicate burdensome federal requirements.
- Resident selection processes should not impede the process of filling rental housing.

MYTHS

Get Rid of the Lies! Telling the Truth on Renting Myths

BY NICOLE SEIDNER

There's a whole new generation moving out for the very first time! While millennials tend to take a bit longer to get out of their parents' homes due to economic stressors, they do eventually get there. New property managers and on-site staff are on an exciting adventure too, learning what it is to manage a property and learning how to be good at this job in rental housing. Being new to the industry isn't necessarily a bad thing, people just have a bit of learning to do, as would anyone striking out to do something new. You just need to make sure you know what is true, and what is a myth, fact or fiction.

"You Can Evict Residents for Any Reason"

One of the first myths that needs to be busted (thank you, Adam Savage) is that property owners and managers can kick a resident to the curb whenever they feel like it. It's important you know that you cannot. If your resident is renting on a month to month basis, you may be able to just not renew the lease when it's time to flip a page on a calendar, but a typical contract will have its clauses. When writing a lease, be careful with your listed reasons for eviction. Standard reasons may include missed rent, property damage, or violating the contract (such as having a dog despite a no pets policy). Typically, you will need evidence to evict a renter of something listed within the contract.

"Owners are Responsible for All Maintenance and Repair"

It's true that HVAC, plumbing, and appliance needs are cared for by property management, but when a renter causes smaller damage, they can be expected to clean up their own mess. If a renter clogs a toilet, they have no need to call up the property manager or office staff. Or, if a renter's child draws on the walls, it is their parents' job to clean that up.

"The Property Manager Can Waltz in Whenever They Want"

It's fun to imagine first time renters huddled by their windows, wanting to make sure they see their property manager make their

way up to their door to find out if they're holding wild parties. The manager or maintenance staff does need some access to the property, for things like checking the fire and smoke alarms, CO2 monitors, or routine maintenance. However, generally you need to give 24-hour notice and depending on the area, maybe needing at least 72-hour notice, before entering the rented property in order to adhere to renter's right of privacy. The only exception is in an emergency, such as fire.

"Resident Screening is Hard"

A major proponent of finding the perfect renter is the resident screening process. This will help you find out who is the right fit for you, the kind of background you're looking for, if they're fresh from college or an experienced renter. You need to screen residents to make sure they fit your property's standards, but the general myth is that resident screening is time consuming and unnecessarily delays filling up those vacancies. The good news is that in reality, it's not! CIC's MyDecision rental recommendations take your property's written rental standards and apply them automatically to every applicant's background report. Plus, with our average processing time at 5 seconds, you'll fill those vacancies in no time.

Every industry has one or two myths that outsiders whisper about, little fictions that are fun to gossip about. When first entering the industry, however, it's always good to keep in check about what is real and what you need to learn.





Physical Distancing Guidelines for Shown Properties

Use an appointment or digital sign-in process to control the number of people in the house or property. If current occupants are present and/or participate during property showings, in accordance with their legal rights, they should adhere to the same standards regarding physical distancing, proper cleaning and disinfecting protocols, and promote a safe environment for all persons present.

- Utilize virtual tours via digital technologies, social media, etc. in lieu of property showings or open houses whenever possible. If virtual tours are not feasible, limit the number of people present during showings. When a real estate licensee or renter is present, maintain physical distance at all times.
- Real estate licensees or sellers/renters must open doorways or other areas of ingress and egress prior to in-person property showings to minimize clients touching surfaces.
- Real estate licensees should remind clients to maintain physical distancing during showings and to refrain from touching handles, switches, pulls, etc.

• All persons on property for in-person showings should avoid touching knobs, faucets, toilets and toilet handles, light switches, garage door opener buttons, handles and pulls, alarm system controls, fan pulls, remotes, thermostats, switchboxes, gates and gate latches, window locks and sashes, pool coverings, and other such items.

• Prior to and concluding in-person showings, real estate licensees must disinfect mobility and safety fixtures on the property such as handrails and banisters, door knobs and locks, and any other surfaces that may have been touched during the showing.

• All home inspectors and prospective homebuyers who accompany the inspectors must have access to handwashing facilities and/or hand sanitizer.

• All information must be delivered electronically. Discontinue providing handouts or other types of promotional or informational materials.

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AVOID BURNOUT! DON'T OVERUSE OVERDRIVE

BY KATIE RIGSBY, CAPS

In the demanding world of residential property management, working in overdrive is almost expected. At times, we even try to convince ourselves that it is productive (“I work best under pressure.”). However, the constant “pressure” and nonstop grind of working in overdrive will ultimately cause burnout. Using these tips can keep you from overusing overdrive and leave you riding comfortably on cruise control.

road. Create a plan of action for emergencies such as fires, severe weather, etc. and be sure the entire team knows their role. Having a backup plan that includes cross training and a quick list of reliable vendors is a must-have for those moments when working in overdrive is inevitable.

Continued on next page.

KNOW WHERE YOU ARE GOING

Setting goals is imperative to staying motivated and boosting self-confidence, two important factors when avoiding burnout. Both short and long term goals will help keep you focused and provide a clear direction for the entire team.

PREPARE FOR HAZARDS AND ROAD BLOCKS

Don't let emergencies, employee call outs or last minute move-ins run you off the





STOP AND REFUEL

Listen to your body and take care of yourself. We eat at our desks (when we eat at all), we work when we are sick and we are always on-call. Property management professionals are constantly problem solving and our minds are always running. Taking the time to reenergize is important for physical and mental health. Take time to enjoy life. Exercise. Laugh. You have vacation days for a reason, use them!

At times, it is necessary to put the pedal to the metal and kick it into overdrive. But if you are not careful eventually exhaustion sets in and you run out of fuel. Burnout has an emotional, mental, and physical toll that can seem impossible to overcome. If you find that you are short tempered, have a lack of motivation, feeling helpless or feel like every day is a bad day, you may be burnt out. It's okay! This same list can help you overcome burnout. Simply start at the bottom of this list and work your way back to cruise control!

BE WILLING TO SWITCH GEARS

In the words of Tony Robbins, "Change is inevitable, progress is optional." Flexibility is key to continued progress and embracing change can be the difference between racing forward and stalling out.

GAIN MOMENTUM

It may sound silly, but you can help avoid burnout by seeking out new learning opportunities. Regardless of your years of experience there is always room to improve. Get fresh ideas through mastermind groups and work on improving both hard and soft skills by joining professional groups. Attend conferences, take advantage of educational opportunities, read books, research the latest trends and remain actively involved with industry issues.

BRING OTHERS ALONG FOR THE RIDE

A road trip is always more enjoyable with passengers, so don't take this journey alone. Practice delegating and put someone else in the driver's seat for a while. Build a network of successful people who you admire and can help map out your journey. Nurture personal relationships to ensure you have a strong support system that you can lean on when overdrive is being overused.



Trump Signs Executive Order on Housing, No Eviction Moratorium

Courtesy of NAA

On August 8, President Trump signed four executive actions directing federal agencies to provide additional relief to those affected by the COVID-19 pandemic. These actions focused on student loans, payroll taxes, unemployment benefits and housing. Importantly, the President's executive order on housing highlights the need for robust financial assistance to stabilize renters who are experiencing hardship. The order does not, on its own, extend the CARES Act eviction moratorium.

Trump's "Executive Order on Fighting the Spread of COVID-19 by Providing Assistance to Renters and Homeowners" focuses on the following asks:

- Directs the Department of Health and Human Services (HHS) and the Centers for Disease Control and Prevention (CDC) to consider whether any measures temporarily halting residential evictions of any renters for failure to pay rent are reasonably necessary to prevent the further spread of COVID-19;
- Urges the Department of the Treasury (Treasury) and the Department of Housing and Urban Development (HUD) to identify available federal funds to provide temporary financial assistance to renters and homeowners who, as a result of COVID-19, are struggling to meet their rental or mortgage obligations;
- Further encourages HUD to take action to promote the ability of renters and homeowners to avoid eviction or foreclosure resulting from financial hardships caused by COVID-19. Such action may include encouraging and providing assistance to public housing authorities, affordable housing owners, housing providers, and recipients of federal grant funds to minimize evictions and foreclosures; and
- Orders the Federal Housing Finance Agency (FHFA), in consultation with Treasury, to review all existing authorities and resources that may be used to prevent evictions and foreclosures resulting from hardships caused by COVID-19.

In addition to these efforts, President Trump also emphasized the importance of extending supplemental unemployment benefits in a second order. It has been the Administration and Congress' efforts thus far to provide financial assistance to households and businesses affected by COVID-19 that have prevented widespread evictions, kept renters stably housed and preserved the viability of the rental housing industry. Whether in the form of enhanced unemployment benefits or rental assistance, these efforts, combined with the payment plans and other creative solutions agreed to by housing providers and residents, have been essential.

Although the CARES Act federal eviction moratorium has expired, the **Federal Housing Administration** (FHA) and **FHFA's** foreclosure and eviction moratoria for single-family homes in the agencies' purview remain in effect until August 31. **FHA** and **FHFA's** tenant protection measures that apply to multifamily borrowers in forbearance also remains effective. Additionally, HUD **announced** \$472 million for public housing authorities (PHAs) to support current participants of voucher programs.

NAA continues to work with the Administration and Congress to fix the outstanding issues from the CARES Act eviction moratorium (including a clear sunset date for the 30-day notice to vacate requirement), and advocate for responsible housing policies that balance the needs of our nation's 40 million apartment residents, countless rental housing owners and operators and the 17.5 million employees supported by our industry.

NAA will keep the industry abreast of any new guidance or rules issued by federal agencies as a result of President Trump's executive actions.



BREAKING DOWN \$1 DOLLAR OF RENT

There exists a misconception that rental housing owners enjoy large margins and can continue operating in the absence of rent payments.

With so much discussion around rent payments during COVID-19, the rental housing industry would like to explain the breakdown of \$1 dollar of rent.



Only **9 cents of every \$1** are returned to owners, including the many apartment owners who are themselves small businesses and rely on this revenue to make ends meet, and investors, which include public pensions and 401ks, on which many Americans rely—whether or not they reside in rental housing.

Approximately **39 cents of every \$1** pays for the mortgage on the property. Roughly two-thirds of the apartment industry has private lenders and are ineligible for federal mortgage forbearance via the CARES Act. This is a critical expense, as mortgage foreclosures put all residents at risk of losing their housing.

10 cents of every \$1 is spent on capital expenditures, including roof and HVAC replacement and other important repairs that help ensure quality housing for America's 40 million rental housing residents.

27 cents of every \$1 covers payroll expenses, including paying employees who operate and maintain the property, ongoing maintenance, utilities, insurance and the like.

14 cents of every \$1 goes to property taxes, which in turn supports the community through financing for schools, teachers, emergency services and other important local needs.

Between mortgage payments and investor returns, which help support many Americans' retirement plans, and dollars put back into the apartment community to ensure quality living for residents, a rent payment is much more important than one might otherwise realize.

Source: National Apartment Association 2019 Survey of Operating Income & Expenses in Rental Apartment Communities; U.S. Census Bureau 2015 Rental Housing Finance Survey; Real Capital Analytics; Redstone Residential .

A PICTURE PERFECT PRESENTATION

BY ALAN SIMPSON

The times are changing! Social distancing norms require new ways of doing business. For housing providers, the Open House method of showing vacancies is a thing of the past, and we can no longer require outgoing tenants to allow applicants in to view their apartments, so what's left is something called a Virtual Tour. Of the several ways to do this, the simplest, basic method is to provide the applicant with photographs, from which she develops questions to be answered by the housing provider. A brief video is next up the line of offerings, and it's these two methods that I will expand on here.

I got lucky. My outgoing tenants offered to make a video of their apartment, and I jumped at the chance. They spiffed up the apartment, stashed small things away in drawers and closets, and with cell phone in hand, began a video at the front door. They walked through, holding the phone/camera steady, moving it slowly back and forth through each room. They didn't miss a thing, filming every feature, every wall,

window, ceiling, floor, while they walked ahead, to open and close closet doors. They did all this in such a way as to ensure that the viewer of the video could envision the layout of the apartment, and at a speed just slow enough to get the feel of actually being there. Done in two parts to stay small enough to email, air drop, or text, I was able to rent the apartment without anyone setting foot inside, which kept everyone safe and happy. As unlikely as it seems, this new normal is accepted and welcomed by apartment hunters, and they will judge the offerings by the quality of the pictorial presentation.

I'm not a newbie on taking pictures of my vacancies for ads. I like to use Craigslist, and use the full allotment of 24 pictures allowed per ad. I use a similar technique as my tenant used in his video, only

with photographs instead of video. I take dozens of photos, with the intent of discarding all but the best. As much as practical, I present my Craigslist pictures in a lineal fashion: picture to picture, room to room, and I choose the best of the lot to head up the listing on top. I also strongly believe that people appreciate the true perspective of a regular photo, as opposed to the crazy, out of proportion wide angle, or dizzying panorama view.

Important also, is to avoid picturing a totally empty space. With your outgoing tenant's permission, take your pictures before they move

out, but only if they are excellent housekeepers. There's nothing wrong with using a good picture or video from previous tenancies either. If vacant, you don't have to fully stage your apartment for pictures, but a small table and chair in an otherwise empty room gives the viewer a focal point to envision the size of a room, enabling a mental placement of their own furniture. A small flower or bowl of fruit is a nice touch for a kitchen

counter. Less is more, but put something in the picture, never just a blank wall and empty floor. It takes very little to spark interest, where the lack of any staging at all draws the eye to a dead fly on the windowsill.

I saw one array of pictures once, in which the cameraperson brought along a small child, and pictured the child in several interior shots: Looking out a window, trotting past a doorway, peeking around a corner. What a stroke of genius! No furniture whatsoever, but totally appealing and humanizing. These are the touches that make your pictures and videos memorable, and keep your vacancies brief. Use your imagination; you'll be proud of your artistry and marketing skills!





Temporary Emergency Rules on Evictions, Foreclosures Set to End at Midnight Sept. 1 After Judicial Council Vote

– Courtesy CA.gov

“In our ongoing conversations with Gov. Newsom and the Legislature, we have been responsive to their requests for additional time to develop and enact policy and legislative proposals,”

- Chief Justice Cantil-Sakauye said.

The Judicial Council of California voted to end two temporary emergency rules governing evictions and judicial foreclosures, which will stay in effect through midnight on Sept. 1.

The proposal was approved 19-1, with council members submitting their votes by circulating order.

The Judicial Council originally approved the temporary emergency rules staying eviction and foreclosure proceedings at a special remote meeting on April 6. California Chief Justice Tani G. Cantil-Sakauye then suspended a vote on June 10 to provide the Governor and Legislature more time to develop policy proposals and solutions to deal with the potential impacts of evictions and foreclosures during the COVID-19 pandemic.

“The judicial branch cannot usurp the responsibility of the other two branches on a long-term basis to deal with the myriad impacts of the pandemic,” Chief Justice Cantil-Sakauye said in a statement.

“The duty of the judicial branch is to resolve disputes under the law and not to legislate. I urge our sister branches to act expeditiously to resolve this looming crisis.”

If SB 1410 (Caballero) becomes law

BY RON KINGSTON

If SB 1410 (Caballero) becomes a law, the state Franchise Tax Board estimates that about \$1.4 billion dollars a month will not be paid to property owners during the COVID-19 state of emergency that began March 2020.

Let's look at what the bill proposes to do now that we have your undivided attention.

SB 1410 proposes to void any demand for the payment of unpaid rent, or any notice to terminate tenancy served, that has accrued during the State of Emergency due to COVID-19. Any rental property owner who desires to serve an unlawful detainer on a tenant who has failed to pay rent during this period, will be forced to sign and offer that tenant a COVID -19 Eviction Relief Agreement, in order to exercise the use of unlawful detainer.

This Agreement is unilaterally optional for tenants only but is mandatory for any rental property owner who wishes to file an action for unlawful detainer due to non-payment of rent during the State of Emergency. The Agreement allows a tenant to defer unpaid rent and would prohibit the owner from serving a notice terminating the tenancy or filing a complaint for unlawful detainer for that unpaid rent during and for an additional period of up to an unspecified number of days following the State of Emergency. Repayment of the unpaid rent would be made to the state of California beginning 2024 and ending 2034. Rental property owners would be eligible to receive any reimbursement in the form of a state tax credit from 2024-2034.

The bill does not address consideration of costs associated with the operation of any rental unit/development until an owner files their income tax return for 2024. Then and only then an owner may recover 10% of the unpaid rent per year.

Many experts believe that owners will be foreclosed of the opportunity to receive any additional compensation for uncollected rent accrued during this period unless, they sell the state tax credit at extreme discounts, leading to greater diminution of the value of the property and sums that property owners require for efficient operations.

Should SB 1410 be signed into law, the impact will be severe and immediate. Owners, not unlike any business, will not be able wait 14 years to be repaid for debt owed (rent). The bill will result in a strong likelihood of bankruptcy, foreclosure, lack of maintenance, and a general inability to deliver quality rental housing.

Here is what the Assembly Judiciary Committee analysis states as the reason for the bill:

“The main strength of the bill is that it would protect against widespread evictions during a pandemic, while providing future compensation (starting in 2024) to landlords for their present losses (the payment of today’s rent). . . SB 1410 also keeps landlords (particularly small landlords) from falling into foreclosure by providing them with refundable tax credits in exchange for missed rent. These tax credits can be redeemed in annual increments during the 2024-2034 tax years or can be sold by the landlord (and can only be sold once) at any given time.”

In our opinion, rental property owners cannot wait 14 years to be repaid for today's rent. Essentially this bill will require a rental property owner to sustain operations for a four (4) year period, with no stream of income to provide for the expenses related to upkeep, maintenance, and/or operations. The only provision contemplated to relieve the owner from this burden is a proposal that the owner may sell the tax credit at a discount amount that would extremely devalue the present value of the financial instrument.

The proposed plan for rental property owner reimbursement is impractical and does not make reasonable provisions for the realities of operation and maintenance of a rental property. Without a subsidy provided that will act to supplement the loss of vital income, a rental property owner who experiences default by multiple tenants will be ill suited to sustain the hardships of continuous operations. The ability to economically withstand a loss of income from multiple tenants will be an onerous burden, and few rental housing providers will be situated to withstand the strain for the four (4) year period, until the time the tax credit may be recovered.

If SB 1410 truly existed as a lawful mechanism, it would allow low- and moderate-income households to remain in possession if they have provided verification to owners that they are adversely affected, and provide an effective financial repayment mechanism that would not crush owners.

As of the date of this article, the bill is one of two measures that seek to bar evictions due to the non-payment of rent during the entire time of the state of emergency. Do we know what day, month and year will the Governor and local governments determine that it is safe to lift the state of emergency? Of course not!



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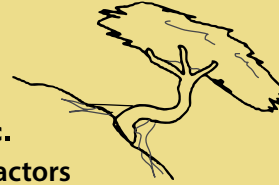
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The health and safety of our members, employees, and guests is always our top priority. While we already take many measures to ensure the East Bay Rental Housing Association (EBRHA) office is clean and safe for all, we are taking extra precautionary steps amid this flu season and growing concerns of COVID-19 (the "Coronavirus").

- 1) We are asking all members, employees & guests to stay home if you are feeling sick with a cold or flu symptoms and allow at least 24 hours after you are fever-free before going out.
- 2) All classes and events are currently held online. We will send out notifications when classes and events resume in person.
- 3) If you or someone you have close contact with are diagnosed with COVID-19 & you have been at the EBRHA office or an event, please inform the us immediately. We will not disclose your identity. But it will help us know how to inform others who may be at risk.
- 4) At this time, the EBRHA office is closed. The leadership will continue to monitor the CDC and Alameda County Public Health websites to determine appropriate next steps over the coming weeks/months.

What else can you do?

- A) NO HAND SHAKING! Use a fist bump, slight bow, elbow bump, etc.
- B) Use ONLY your knuckle to touch light switches, elevator buttons, etc. Lift the gasoline dispenser with a paper towel or use a disposable glove.
- C) Open doors with your closed fist or hip – do not grasp the handle with your hand, unless there is no other way to open the door. This is especially important on bathroom and post office/commercial doors.
- D) Use disinfectant wipes at the stores when they are available, including wiping the handles on grocery carts.
- E) Avoid close contact with people who are sick.
- F) Of course, wash your hands with soap for 10-20 seconds and/or use a greater than 60% alcohol-based hand sanitizer whenever you return home from ANY activity that involves locations where other people have been.
- G) If possible, cough or sneeze into a disposable tissue and discard. Use your elbow only if you have to. The clothing on your elbow will contain infectious virus that can be passed on for up to a week or more!
- H) Visit The Centers for Disease Control website for information about the Coronavirus.

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EBRHA Board of Directors – Call for Nominees

In preparation for the EBRHA Board elections coming up in November 2020, we are now accepting nominee applications from those looking for an opportunity to serve on a leadership role in the rental housing industry. Members of the EBRHA Board will have the opportunity to harness their creativity, energy, passion, and talent. Whether one's forte is political, artistic, literary, visual, or fellowship among others, there is likely a good fit with something that involves Board leadership. EBRHA Board members do more than merely attend board meetings. They direct the course of EBRHA's political, educational, and social efforts to champion causes and support the needs of fellow East Bay rental property owners and managers.



.....

EBRHA Board of Directors Participation Requirements:

Every Board member is expected to fulfill the following obligations:

- Adhere to Robert's Rules of Order
- Attend monthly Board Meetings (11 per year)
- Actively participate in at least two EBRHA Committees
- Participate in outreach to members, community, politicians, government officials, etc.
- Participate in major EBRHA functions and events including Annual Trade Expo, Legislative Days, Strategic Planning, Holiday Party
- Attend monthly Member Meetings and Mixers
- Represent EBRHA in a professional and respectful manner

To request an application form, please contact Luke Blacklidge at lblacklidge@earthlink.net. Thank you for your interest – we look forward to reviewing your application

.....

Oakland



ANNUAL ALLOWABLE RENT INCREASE

2020-21 (2.7%)

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 \$50.50 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

$(\frac{70\% \text{ of Improvement Costs}}{\text{Useful Life of Improvement}} \times \text{Number of Units})$

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

A CPI increase of 2.7% becomes effective on July 1, 2020. 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 '20 - JUNE 30 '21	2.7
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

2020 (2.1%)

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%

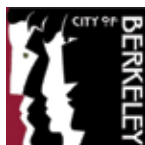
Beginning in 1998, adjustments are not allowed for the year following a tenant's initial occupancy. To obtain the maximum amount for a specific address, please use the "Rent Ceiling Database" calculator on Berkeley's Rent Board website.

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

PERIOD	AMOUNT
2020	2.1%
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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Jack Schwartz | 650-863-5823
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eli.davidson@marcusmillichap.com

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NAI Northern California - VP
John Caronna | (415) 531-5225
jcaronna@nainorcal.com

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Grant Chappell | 510-336-4721
www.nainorcal.com

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NAI Northern California - VP

John Caronna | (415) 531-5225
jcaronna@nainorcal.com

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Grant Chappell | 510-336-4721
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Steven Pinza | 510-725-4775
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Steven Edrington | 510-749-4880
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Liz Hart | 510-813-5440
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Henry Mak | 415-688-9869
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EAST BAY RENTAL HOUSING ASSOCIATION (EBRHA) is a nonprofit trade organization representing owners and managers of apartments, condominiums, duplexes, single-family homes and other types of rental housing. EBRHA members range in size from small investors with just one property to large property management companies that own or manage hundreds of units.

Our membership consists of more than 1,500 rental housing owners, property managers, attorneys and other service contractors. Altogether, EBRHA represents over 30,000 rental units, and serves over 25 cities throughout Alameda and Contra Costa counties.

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- Overflow & contamination reduction
- Usage monitoring and consulting
- Onsite and on-call support for waste issues as they arise



Our goal is to save you money and time. Every property has unique challenges when it comes to managing waste, from expensive add-on fees by the local waste company, to overflowing containers, recycle contamination, or just dealing with the mess that accumulates during the week. We can customize a unique plan to serve your property and budget best.

NOW SERVING THE EAST BAY, SAN FRANCISCO, AND THE PENINSULA.



Bay Area Bin Support

Call us to find out how we can help!

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