

Rental Housing

EAST BAY RENTAL HOUSING ASSOCIATION | OCTOBER 2020

UNDERSTANDING AB 3088

*California's New COVID-19
Tenant Relief Act of 2020*

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RETAINING HIGH OCCUPANCY IN A DOWNTURN

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GET SMART ABOUT FILLING VACANCIES

*Find out the connection between
turnovers and lower utility costs*

MORE ON **PAGE 13**



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Dan Lieberman is an active real estate investor, renovator, and consultant known for his innovative approaches to property management and adding value to real estate. He is the author of 3 books, including his most recent: *The Effective Landlord*. Dan is the President of Milestone Properties, located in Berkeley. Prior to Milestone, Dan renovated and managed several thousand units while running a property management company for over 15 years. He is degreed in architecture, is a licensed building contractor, and was a past president of the California Apartment Association.



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UNDERSTANDING AB 3088, CALIFORNIA'S NEW COVID-19 TENANT RELIEF ACT OF 2020



by **MANDANA ARJMAND, ESQ.**, SENIOR LITIGATION ASSOCIATE AT WOOD, SMITH, HENNING & BERMAN LLP

Twenty-thousand words. That's how dense AB 3088, named the "California COVID-19 Tenant Relief Act of 2020" is, adding additional layers of protections and regulations that are intended to either replace local moratoria or add to them. This article is intended to summarize the important facets of this new law, in plain English.

Early in the pandemic, Governor Gavin Newsom declared a California-wide state of emergency (N-44-20) that, among other price controls, automatically caps rent increases. Newsom also allowed individual cities and counties to protect tenants suffering COVID-19 related financial hardships via two additional orders, and then to extend protections through September 30, 2020 (executive orders N-28-20 and N-71-20).

By August of this year, over 150 cities and counties in California quickly enacted ordinances banning evictions. Many of these ordinances have already, or will soon, expire. The COVID-19 Tenant Relief Act is designed to eventually replace those ordinances.

One important caveat regarding this new law is the preemption of local eviction laws that were enacted prior to the Tenant Relief Act and offer stricter protections for tenants. We will dig into the contours of this new law and present you with a working knowledge of how AB 3088 will interact with local eviction rules in the Bay Area, particularly in Alameda County.

WHAT IS AB 3088?

At the end of August, the race was on by California lawmakers to fill the void once the Judicial Council's eviction halt expired on August 31st. Two bills, called AB-1436 and AB 3088, were competing in the California Legislature, with a 2/3 majority needed in each house to pass one of the two bills. While AB 1436 had more aggressive tenant protections, AB 3088 contained a compromised approach to the next wave of eviction protections. Ultimately, due in part to highly vocal landlord groups that wanted the voices of their struggling members heard, AB 3088 garnered the required 2/3 vote.

AB 3088 takes into account the backbreaking cost of subsidizing the housing of America's most vulnerable: those who, due to COVID-19, can no longer afford to pay rent. With eviction off the table, landlords have gone, for upwards of six months, without rent from the very properties they own. They must maintain, pay taxes, pay mortgages, and pay for repairs and upgrades on these properties without the income and means to do so.

By August of this year, over 150 cities and counties in California quickly enacted ordinances banning evictions. Many of these ordinances have already, or will soon, expire. The COVID-19 Tenant Relief Act is designed to eventually replace those ordinances.

AB 3088 contains new provisions of law intended to assist both renters and homeowners who are facing financial hardship as a result of the COVID-19 pandemic. AB 3088 contains an urgency clause, which means it took effect immediately upon signature by Governor Newsom on September 1, 2020.

In cities and counties in the Bay Area that have existing eviction moratoria and attendant regulations, AB 3088 contains a specific clause preempting local eviction rules that are stricter than the

Tenant Relief Act. However, litigation is now underway in order to determine how local laws will intersect with AB 3088, as many conflicts exist.

1. NOTICE REQUIREMENTS

By September 30, 2020, landlords were required to serve tenants who have not paid rent due to a COVID-19 hardship between March 1, 2020 and September 1, 2020 with a Tenant Relief Act Informational Notice. A template of one such notice is available on the CAA website to members. The Notice preserves a landlord's right to enforce collection of unpaid rent.

The Notice must also be served on tenants who have not paid all or some of their rent due to a COVID-19 hardship between September 1, 2020 and January 31, 2021.

2. TWO CATEGORIES OF RENT DEBT:

A. Rent Debt Accrued Between March 1, 2020, and August 31, 2020, AB 3088 protects tenants from eviction through February 1, 2021, as a result of rent owed due to a COVID-19 related hardship accrued between March 1 and August 30, 2020, but only if the tenant provides a declaration of hardship according to the legislation's timeline. This means that for rents that were unpaid for that period, a tenant cannot be evicted for that unpaid rent. Instead, the landlord can pursue the unpaid debt as consumer debt in Small Claims Court, which has expanded its jurisdiction to hear rent debt cases in excess of \$10,000. Unpaid rent debt can be pursued in Superior Court with an attorney present.

Instead of the typical 3-day Notice to Pay Rent or Quit, Under AB 3088, Tenants have 15 days (excluding holidays and weekends) to pay rent demanded or return a declaration of hardship in response to a landlord's notice to pay rent or quit. Tenants cannot be evicted for nonpayment of rent if a declaration of hardship is returned to the landlord within 15 days.

B. Rent Debt Accrued Between September 1, 2020, and January 31, 2021.

For a COVID-19 related hardship that accrues between September 1, 2020, and January 31, 2021, tenants must pay at least 25% of their rent to avoid eviction. That means if a tenant can't pay 25% or more, they can face eviction, but not before February 1, 2021. One significant loophole is that the 25% isn't due every month like regular

rent. It can all be paid at the end of the time period, or by January 31, 2021. They must also timely return a Declaration of Hardship provided to them by the landlord in their language of origin, provided that the lease was negotiated in another language.

What about the other 75% of rent? That amount will accrue as debt through the end of February. As of March 1, 2021, landlords may begin to recover the unpaid rent in small claims court. AB 3088 raises the \$10,000 limit in small claims court has been expanded in order to hear all rent debt claims.

If a tenant is considered “high income,” a landlord can require that they provide documentation of their COVID-19 related hardship. “High income” tenants earning over \$100,000 household income or over 130% of the median household income must provide documentation of alleged financial distress.

All rent debt accrued between March 1, 2020, and January 31, 2021, cannot be a ground for eviction. Instead, the debt can be pursued as consumer debt in Small Claims OR Superior Court. Additionally, tenants MUST execute a hardship declaration and follow other requirements. The rent debt can be pursued in court beginning on March 1, 2021.

3. REPAYMENT OF RENT UNDER AB 3088

If a local eviction moratorium provides for repayment of back due rent to begin after March 1, 2021, or ties repayment to the end of the state of emergency or local emergency, that repayment period is required to start on or before March 1, 2021 and end by March 31, 2022.

Repayment periods that are set to begin prior to March 1, 2021 cannot be extended.

The legislature declares that nothing in the new law shall be construed to provide the legislature’s understanding of the legal validity on any specific local ordinance.

4. JUST CAUSE EVICTION RULES EXTENDED THROUGH JANUARY 31, 2021

Under AB 3088, landlords can once again proceed with eviction cases based on nuisance or causing problems at the property beginning on October 5, 2020. Landlords haven’t had access to the courts for these actions since the Judicial Council enacted its eviction moratorium on April 6, 2020. AB 3088 also allows landlords to terminate the tenancies of renters who have the means to pay rent but fail to do so.

AB 3088 extends “just cause” eviction rules through January 31, 2021. Under these rules, the reason that a landlord can evict are limited to those specified in the Tenant Protection Act of 2019 (AB 1482), with a few modifications.

If a landlord needs to evict a tenant between now and February for purposes of demolition or substantial renovation to a unit, those evictions are limited to circumstances where such work is needed for compliance with health and safety laws.

One notable exception to the eviction rules are instances where single family home and condo owners who have a contract with a buyer for sale of the property, and that buyer intends to occupy the unit.

5. INCREASE IN LIMITS OF SMALL CLAIMS COURT FOR COVID-19 RENT DEBT

All actions seeking recovery of COVID-19 rent debt accrued between March 2020, and January 31, 2021, can be brought in small claims court. The \$10,000 limit will not apply, but landlords cannot initiate any recovery actions before March 1, 2021. That means that landlords who are not getting paid rent by a tenant will have to wait until March 1st to initiate any sort of rent debt recovery, which is problematic for the many landlords barely staying afloat.

6. LIMITS ON LOCAL EVICTION BANS

AB 3088 explicitly preempts local eviction moratoria and attendant COVID-19 rental housing regulations, provided that those regulations offer stricter protections to tenants. If a locality has an eviction moratorium set to expire before January 31, 2021, it can remain in place but cannot be extended or renewed before February 1, 2021. Localities are free to adopt “just cause” eviction rules, but those rules cannot create new mandates with respect to payments due between March 2020 and January 2021. Additionally, localities must have a past rent-debt payback period between 3/1/21 and 3/31/22.

7. ADDITIONAL PROTECTIONS FOR TENANTS

If a landlord negotiated a rental agreement in another language with a tenant, then the landlord must provide a hardship declaration form in the tenant’s native tongue.

Tenants may claim in an eviction proceeding that they have good cause for not returning a hardship declaration form to their landlord within 15 days.

Landlords must provide a notice to their tenant that details the tenant's rights under the Tenant Relief Act.

Eviction judgments in nonpayment of rent cases filed between March 4, 2020, and January 31, 2021, may be concealed and not publicly available.

8. PROTECTIONS FOR LANDLORDS

Landlords will no doubt face considerable financial destruction if their tenants only pay 25% of the rents owed, due to their own operating and maintenance costs. While some protections are offered to smaller landlords,

AB 3088 extends anti-foreclosure protections in the Homeowner Bill of Rights to small landlords, and provides new accountability and transparency provisions specifically to protect “mom and pop” landlords who request a CARES Act-compliant forbearance.

AB 3088 also provides homeowners who are borrowers that have been harmed by a material violation by a lender with a cause of action.

9. NEW PENALTIES FOR LANDLORDS

If a landlord performs an illegal lockout or constructive eviction, new penalties will apply. Currently, the penalties are actual damages plus \$100/day, and AB 3088 added an additional \$1,000 to \$2,500 if the resident had provided the landlord a declaration of COVID-19 financial hardship.

10. CASE STUDY: ALAMEDA COUNTY

Alameda County is a huge jurisdiction and includes Berkeley, Oakland, Emeryville, and many more cities. Alameda County's Board of Supervisors passed an eviction moratorium, which is set to expire 60 days after the expiration of the local state of emergency but no sooner than 60 days after December 31, 2020 (so around March 1, 2021).

Because Alameda County has its own COVID-19 rental housing laws, AB 3088 will make little difference in Alameda County. Therefore, I don't recommend that landlords in Alameda County begin serving 15-day notices to pay rent or quit, as I don't believe such actions will go forward in Alameda County.

This means that through the end of February 2021, in Alameda County there are:

- No residential evictions.
- No late fees, fines or interest on unpaid COVID-related rent debt.
- Tenants can assert, as an absolute defense to an unlawful detainer action, that a termination notice was served or expired during this period, or an eviction complaint filed or served between March 24, 2020 and March 1, 2021.
- The ONLY exceptions are Ellis Act and health and safety related evictions. Currently, the Alameda County courts are the slowest and least likely to process eviction actions.

THE STRATEGY

If the COVID-19 pandemic dissipates by March 2021, landlords can resume serving 3-day notices to pay rent or quit for post COVID-related rent debt. Landlords can simultaneously file a claim in Small Claims Court for past COVID-related debt and file an unlawful detainer for post-COVID unpaid rent.

Additionally, buyouts, or “Cash for Keys,” are on the rise as a solution for both landlords and tenants. Many tenants are unable to pay their rent now or in the foreseeable future, for many reasons. Either their industry has shut down or they are unable to secure any work. For tenants who cannot pay any of their rent, a voluntary surrender of property may be an option. Landlords can regain possession of their unit without resorting to the Courts, and tenants may receive rent credits or cash to move elsewhere.

This arrangement is particularly attractive right now, as many tenants are moving in with relatives or fleeing high-rent cities. I highly recommend that you speak with an experienced property attorney before attempting buyout discussions with your tenants, as buyouts are highly regulated in the Bay Area, particularly in Berkeley, Oakland, and San Francisco. Missteps can be very costly.

RETAINING HIGH OCCUPANCY

IN A DOWNTURN

by DAN LIEBERMAN



Recently, many owners are having a harder time renting their apartments. The number of listings seems to be swelling each day on Craigslist and other listing sites. Rents at competing apartments are dropping. New properties are coming online, slashing rents even more and offering all sorts of move-in incentives in order to lease up and meet their loan covenants. How's a person to compete?

While each downturn is different, there are many commonalities in how to approach this problem. The simple truth is that during the good times, many owners have gotten sloppy. A strong demand economy keeps buildings full, even if the quality of the product and service are only average. But in a downturn that all changes.

There is a flight to value when a downturn occurs. That doesn't necessarily mean lowest cost. It means giving your existing and prospective residents what they want at a good price. Here are a few things to think about to keep your occupancy up and rent your vacancies:

Stop the bleeding. Whether your property is 5%, 10% or even 20% vacant, you still have over 80% occupancy. These are residents you don't want to lose. Now is the time to review lease turnover and operations. Many owners let their leases lapse into month to month tenancies after the initial term. You need to stop doing this.

Pro-actively approach your residents who are paying close to market or above market and make a sweet offer to get them on a term lease and stop your bleeding. Even offering a free month's rent is cheap compared to a vacancy that will include the cost of repairing or upgrading the unit, a month or more

of it sitting vacant, and your or your staff's time in marketing and showing the property, amongst other costs. With the holidays approaching and seasonality setting in, preventing move-outs is even more critical.

Focus on who and what drives performance. Resident satisfaction and retention are key to surviving a downturn. Studies have shown that approximately 2/3rds of apartment turnover is due to poor service. Look around your property. Does it look well-kept or does it look a little old and tired? How quickly do you or your staff get back to residents when they have a concern? Do your residents feel safe? How is the lighting at night? Does the place feel clean?

Focus on ways you can improve your resident satisfaction. Survey your existing residents. Manage the resident experience through the lifecycle of the tenancy. This means pro-actively checking in at key points throughout the first few days and months of their stay and then at regular intervals later on. Yes, your costs will be slightly higher, but so will your occupancy and likely, the rents you can charge.

Make your community 'sticky'. This means getting people connected to your property. If your residents like where they live and have developed friendships with their neighbors, they won't be looking to move and checking what the latest rental rates are at competing properties.

Focus on in-demand amenities. Amenities in apartment buildings can have tremendous appeal. With the advent of the pandemic, people's wants and needs have changed. If your property lends itself to some of these changes, play it up. Some top desires include:

- Designated space to work from home. This might include extra electrical outlets and good internet connections.
- Useable outdoor space. If you have large balconies or patios, market that. If you have a good outdoor common area or roof access, market that. If, until now, they've been more of an afterthought, now is the time to improve them. A remodeled back yard with patio with good seating and a high-end BBQ or a nice

roof deck do not cost much to create but will have a strong effect on leasing and retention.

- Smart tech. Whether it be keyless locks, enhanced security in common areas, Nest thermostats in the apartments, or LED lighting that keeps resident utility costs low, adding a little tech to your building can enhance resident convenience and also help differentiate you from the competition.

I recently wrote a detailed special report that outlines the most in-demand amenities post-COVID and some improvements you can do to your building to increase resident demand. It is available free at AskDanLieberman.com/Covid.

Do Your Homework. Do you actually know what your competitors are offering or are you just scanning Craigslist ads? When was the last time you actually visited the buildings you consider your comps? Are they still your comps, or might there be other properties that your prospects are looking at now in addition to yours?

Look at competitor websites. Visit a few properties. What do they do better than you? What can you do to improve? What do they have that you do not? Is it a deal breaker?

What policy changes could you make? Credit screening cut points, revised pet policies, flexible lease terms, and security deposit levels are just some of the policies that should be up for review. How can you be more market friendly, while still protecting your investment?

Your prospective residents are looking at multiple properties (sometimes only online) in addition to yours. You need to know at least as much as them about what's available in the market and be able to articulate why what you offer is a better fit for them.

Play to your strengths. If you have a smaller building, there are lots of renters who would rather have quiet neighbors and less drama than in a large community, even if they forgo some of the amenities. Realistically, you are not going to have the features that a newer or larger property might have, but there are a few things you can do.

“THERE IS A FLIGHT TO VALUE WHEN A DOWNTURN OCCURS. THAT DOESN'T NECESSARILY MEAN LOWEST COST. IT MEANS GIVING YOUR EXISTING AND PROSPECTIVE RESIDENTS WHAT THEY WANT AT A GOOD PRICE.

If you have an older building, emphasize the charm, the location convenience, the thicker walls, and any upgrades that show that the building, while not new, is up-to-date (and if yours is not, perhaps that's one of your problems in leasing). Provide appliances or fixtures that are 'one step higher' than your typical resident might expect. The cost difference between a basic stove and a higher end stove is only a few hundred dollars. You'll lose that in a week of not renting. So, add a few 'wow' features to your units to enhance your leasing.

You also have the ability to change much quicker than the larger companies or properties – so use that advantage to get ahead of this issue while they are still having committee meetings about it. Offer options and upgrades. Offer the ability to customize a unit. Look for gaps in your market and see how you can fill them.

Focus on the customer. This should be number 1, but I saved it to the end, so you'll remember it.

Focus on the customer, not on you or your product. On most tours I take, the leasing agent is focused on their property 'we have this, we have that...'. Be client focused. Ask great questions. Focus on creating a compelling leasing experience for the prospect. Script out your leasing process. What parts of it could be improved?

Yes, people want to know that you follow good COVID-19 protocols. But ultimately, they need to feel that the building is safe and well run. After all, they are planning to potentially live there. Little touches make a big difference. Flowers in the leasing office or at curbside. The scent of your building. All these things work on the subconscious of the prospective resident.

The application process and other interactions should be customer focused and professional. Property upkeep, competitive pricing, a unique feature they can't get somewhere else, and the sense that the manager (or owner) wants the potential resident to feel at home are all things your future residents value. And remember: continue to focus on customer service and resident retention (the first 48 hours of occupancy are the most critical for guaranteeing longer term tenancies) after they move in.

You can keep your building full, even as people are moving out of the area. It will take more work, but ultimately, the ability to create a desired product along with a compelling leasing experience will be necessary. There needs to be a focus on value, which I interpret as giving the resident more for their money than they might expect.

The market has shifted. Many site staff have never managed through a downturn. You can survive and even thrive in a downturn by focusing their attention on customer needs.

Inaction is the riskiest response. But rash and scattershot action can be nearly as damaging. Take some time to evaluate the environment and to figure out what to do next. There are hidden opportunities nestled amongst the bad economic news. Doing this work now will make you a better multifamily operator. And, eventually, you will be in a better position for a recovery, when it arrives.

WELCOME

INTRODUCING EBRHA'S NEW CHIEF EXECUTIVE OFFICER, **DEREK BARNES**



Please join us in welcoming Derek Barnes, the newly hired Chief Executive Officer of EBRHA. Derek has over 15 years of executive leadership with deep operations experience driving change and

transformation in organizations through startup phase, rapid growth periods, business turnarounds and Mergers & Acquisitions. At EBRHA, he will help promote entrepreneurial vision, strategic thinking, and operational improvements in creative ways to resolve organizational challenges – igniting value, growth, product innovation, and performance excellence.

Professional Background

Derek is a co-founder at g-dii Enterprises, a data analytics startup, and served as the firm's COO/CTO. He was a Senior Advisor at Ignition Point Consulting, where he built a profitable practice supporting clients such as Fremont Bank, Homebridge, Microsoft, T-Mobile, and TeleNav. Previously, as COO at Executive Networks (EN), he led strategic growth initiatives, managed operational expansion, and monetized new multi-million-dollar product offerings. Before joining EN, Derek ran Global Operations at Openwave and successfully restructured engineering operations and oversaw key corporate initiatives through the sale of its core businesses.

Focus and Passion

From program development to service delivery, Derek's leadership experience includes building diverse

support teams and infrastructure in highly competitive markets. He has expertise working in high-tech, professional services, real estate, telecom, financial services, healthcare, retail, and nonprofits. In support of top-line growth and delivering bottom-line results, his passion is developing high-performing teams that drive results and social impact. As EBRHA's new CEO, Derek will continue advancing its mission by developing new service offerings, growing its membership network, updating systems infrastructure, and continuing its advocacy for members in Alameda and Contra Costa counties.

Previous Roles

His previous roles include VP of Technical Services and Operations at Here! Media; Sr. Director of Operations at Homestore/Move.com, Director of Customer Operations and IT at Medchannel, Director of Operations and Integration at Vialog where he grew the flagship operation, built call centers, and oversaw mergers, leading to an IPO.

Nonprofit & Philanthropic Highlights

Derek currently serves on the boards of Homebridge and Horizons Foundation and previously served as Board Chair and interim Executive Director of Sunflower Wellness. He is an active community organizer who serves on the event committee for the Bay Area Toys for Tots holiday toy drive. Previous board experience includes Board Chair at Under One Roof, member of the National Board of Directors of Victory Fund, and board member of the San Francisco Community Center as Chair of the Finance and Operations Committee during its capital campaign and construction. He attended Marymount University and Miami University of Art and Design.



GET SMART ABOUT FILLING VACANCIES

*Find out the
connection between
turnovers and lower
utility costs.*

by EMILY LANDES

W

ith people working, cooking and largely spending their days at home, and with home schooling a reality for the fall and beyond, utility bills nationwide are on the rise. In California, year-over-year residential energy use is 15 to 20 percent higher since shelter-in-place restrictions went into place, according to the California Public Utilities Commission.

At the same time, rents are flattening or decreasing in many locations across the state. And with over 7 million in California filing jobless claims since businesses began closing in March, many are moving in with loved ones to save money or leaving the state altogether. This trend could lead to an even bigger drop in demand in the months ahead.

It's safe to say that many owners may be feeling the squeeze of dropping rents and rising vacancies. It might be tempting to include utilities in the monthly rent in an effort to attract renters. But that short-sighted plan could cost owners A LOT in the long run.

Instead, to combat rising costs during a time of flattening rents, consider adding a ratio utility billing system (RUBS). RUBS is an inexpensive and easy way to make tenants financially responsible for their usage and incentivize conservation. These software solutions do not require an onerous submetering system, and easily, legally and affordably allow owners to shed up to 90 percent of ever-rising utility costs.

COMMUNICATION IS KEY

Although RUBS has many benefits, owners are often concerned about how to best institute the program in their buildings, especially given the need to be sensitive to tenants currently in economic crisis. It has never been more important to have a clear communication strategy that explains the goals of the program to residents.

The idea is to make residents aware of the costs of water, power and other precious natural resources and provide incentive to conserve. Additionally, clarification should be made that the program passes through the costs of the utilities actually used by residents. It is not a profit center for a landlord.

Plus, owners can bill back as much—or as little—as they want to during these uncertain times. That could mean a temporary “goodwill deduction” for struggling residents. Even tenants who are charged a small percentage of the overall bill tend to lower their utility usage. Simply being aware of how much they are using can actually lower that usage by 15 percent.

RUBS IN RENT CONTROL

Some property owners are also concerned about the legality of instituting a utility billback program. However, barring a few municipalities, RUBS is legal throughout California—even in rent-controlled jurisdictions and even with the rental increase limits imposed by the state legislature last fall. (San Jose, Richmond and Santa Monica all have restrictions on RUBS and the program cannot be instituted there.)

In rent-controlled jurisdictions, RUBS must be instituted on turnover. A recent SFAA survey shows that the vacancy rate among member properties is now 11.5%, four times what it was prior to the pandemic. While increasing vacancies is not typically thought of as a positive trend, increased turnover does allow for new opportunities to begin a RUBS program in your building. Remember, owners will not have this ability again during the course of the tenancy.

Even upon turnover, when RUBS is implemented the fluctuation of costs must be capped to avoid violating any restriction on the number of rent increases in a 12-month period and any increases over the permitted amount. This cap should be reasonably related to the actual costs. It should be clearly communicated that the point of the cap is to benefit residents by passing on savings when costs are lower than the cap.

Owners may also need to consult applicable federal and state laws and applicable regulatory agreements for any specific project or concern. (For specific legal advice, always consult an attorney.)

RELY ON AN EXPERIENCED TEAM

Because of the legal complexities, property owners should consult with a RUBS provider knowledgeable of the regulatory landscape in their area. When the owner has a clear goal and works with the vendor to put together a program and then properly document the mechanics of the program, there is less chance that costly mistakes will be made.

If owners attempt to put a billback system in place by using generic forms and without notifying and educating tenants properly, the results can be disastrous. Tenant pushback and refusal to pay are both common outcomes of this scenario.

Choosing a trustworthy, experienced utility management provider will assist greatly in this regard. In the end, there will be a functional RUBS program that starts adding value to the property immediately without undue stress for the owner or residents.

Remember, utilities are not fixed costs. In fact, they tend to just go higher and higher over time. So, including utilities in the rent is a losing proposition in the long term. This is especially true in rent-controlled markets where owners may not unilaterally change the terms of the lease after it has begun. If utilities are included at the start of the lease, they can never be made the tenant’s responsibility no matter how long they stay in the unit. This long-term losing trend is compounded while there are more people in more apartments all day long, using precious resources like water, creating more garbage and recycling, and constantly charging their devices.

Don’t lose out on the opportunity to make utilities a new resident’s responsibility. Including utilities in a new lease is a short-sighted incentive to attract tenants. What seems like giving a little right now will quickly turn into a lot down the line.

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HOW TO RESPOND TO RESIDENTS UPSET ABOUT BARRED AMENITIES

by BECKY BOWER



Summer is here, and nothing quite says “summer” like a day spent by the pool. Residents love knowing that after a long, hard day at work, they can relax poolside with a good book and earbuds. What better way is there to spend a Saturday with the kids than cooling off with a swim? However, many properties’ pools, hot tubs, spas, and gyms have been barred in compliance with local and/or state COVID-19 guidelines.

Due to the fear of spreading of this novel virus, many multifamily properties have resorted to shutting down amenities. With extra time on their hands at home, this has left some residents angry and frustrated. Though they may have had no option but to close the amenities, property managers now find them-

Remind Them of the “Why”

There are laws and guidelines in place for properties and residents for their protection, not their inconvenience. Take a moment to check up on your residents and remind them that this is done with their safety in mind. It is also a great opportunity to inform the residents of the maintenance and disinfection protocols being performed on the amenities. Often, when emotions are high, the “why” can bring a steady calm of reason. It is the property manager’s job to uphold the policies of the property, and COVID-19 dictates current property policies regarding amenities, and they are temporary.

“ Take a moment to check up on your residents and remind them that this is done with their safety in mind. It is also a great opportunity to inform the residents of the maintenance and disinfection protocols being performed on the amenities.

OFTEN, WHEN EMOTIONS ARE HIGH, THE “WHY” CAN BRING A STEADY CALM OF REASON. ”

selves in the sticky spot of mediating between an irate resident and a global pandemic. Here are three ways to help diffuse the residents’ angst while supporting the property’s COVID policies.

Show Some Sympathy

Whether a property manager agrees with the closures or not, it is important that they sympathize with the residents. Residents need to feel heard, and certainly, the manager can understand the disappointment they are experiencing. The residents may express that they chose the property based on its amenities alone. They may contend the rent is higher than other properties they considered, but they felt it worth the extra for the gym because they would not need to pursue an outside membership. The fact is, they are not able to enjoy the living they anticipated because of factors out of their control. It’s frustrating. It’s understandable. It is temporary.

Salvage the Relationship

In the end, it is imperative that the relationship between residents and their manager is preserved. A level of trust should be maintained throughout the life of a resident’s lease, and the proper handling of this situation is absolutely necessary to accomplish that end. At no time should a loud voice or hostile word prevail. While COVID is temporary, a working relationship with residents is a much-needed best business practice.

In this extraordinary time of COVID-19, change is inevitable. Let’s face it, no one likes change if it involves getting suited up and finding the pool gate locked! Approaching the residents’ discontent with a combination of sympathy and duty will remind them that they are heard and protected. Policies barring amenities in multifamily properties ARE temporary, and there will be many workouts and pool days ahead.



The two most important days in your life are the day you were born and the day you found out why. – Mark Twain



Well, except for the day you found out about AB 3088. On that day you learned... – Cheshire Cat



AB 3088 HAS MANDATED LANDLORDS NOT ONLY RECOGNIZE KEY DATES RELATING TO TENANT EVICTIONS BUT MEMORIZE THE CALENDAR FOR PROHIBITIONS. ANY SLIP UP (EVEN AN INADVERTENT ONE) COULD CAUSE THE LANDLORD TO BE SANCTIONED THOUSANDS OF DOLLARS. SO, LET'S REVIEW THE KEY DATES THAT NEED TO BE REVIEWED AND FOLLOWED. *by* **RON KINGSTON**

First, let's look at the important dates the Governor, state courts and local governments took affecting residential tenancies.

On **March 4, 2020**, Governor Gavin Newsom proclaimed a state of emergency in response to the COVID-19 pandemic. Effective **April 6, 2020**, the California Judicial Council (the policymaking body of the California courts) adopted an Emergency Rule temporarily halting evictions. Our courts were prohibited from issuing summons on a complaint for an unlawful detainer nor could they enter a default or a default judgement in order to protect the public health and safety due to the growing COVID-19 pandemic. However, there were minor exceptions to the rule.

On **August 14, 2020**, the Judicial Council voted to extend these protections through **September 1, 2020**, to allow the Legislature time to act before the end of the 2019-20 Legislative Session. Note, the Legislature was required to act by August 30, 2020 and the Governor needed to sign measure into law that would allow most residential tenants to remain in possession from March 1, 2020, through January 31, 2021.

On August 31, 2020, the Governor signed AB 3088. That bill set into motion requirements that changed multiple laws relating to possession, eviction, rental amounts to be paid, rental amounts to be collected, remedies relating to collection of unpaid rent, minimum time periods to respond to our notices, new tenant rights and more.

Between **August 19, 2020**, and **January 31, 2021**, an ordinance, resolution, regulation, or administrative action adopted by a city, county, or city and county that provides any extension, expansion, renewal, reenactment, or adoption of a measure, however delineated, shall have not be effective before **February 1, 2021**. No ordinance may require COVID-19 rental debt to extend beyond **March 1, 2022**.

Second, let's turn to the key dates we should memorize due to the passage of AB 3088 (Chiu et. al). The measure would until **February 1, 2025**, enact the COVID-19 Tenant Relief Act of 2020. The act requires any 3-day notice that demands payment of rent to now be 15 days when the demand is served on a tenant during the "Covered Period" meet certain

criteria including for the first time, an unsigned copy of a declaration of COVID-19 related financial distress which advises the tenant that they will not be evicted for failure to comply with the notice if the tenant simply delivers the signed declaration to the landlord within 15 days.

TIME PERIODS TO REMEMBER WHICH HAVE DIFFERENT REQUIREMENTS THAT OWNERS AND MANAGERS MUST FOLLOW:



“Covered Time Period”

March 1, 2020, and January 31, 2021.

“Protected Time Period”

March 1, 2020, and August 31, 2020.



If landlord provides notice demanding payment of rent that came due during the Protected Time Period, the notice must provide the time period in which the tenant may pay the amount due or deliver possession of the property, which shall be no shorter than 15 days, excluding Saturdays, Sundays, and other judicial holidays. The notice shall set forth the amount of rent demanded and the date each amount became due. The notice shall advise the tenant that the tenant will not be evicted for failure to comply with the notice, if the tenant delivers a signed declaration of COVID-19-related financial distress to the landlord on or before the date the notice to pay rent or quit or notice to perform covenants or quit expires, in at least 12-point font.

If, however, a tenant who as of **September 1, 2020** had not paid one or more rental payments that became due during this time period and a demand for the payment of rent was not made, a different notice was required to be provided to those tenants on or before **September 20, 2020**. That notice advises the qualifying tenant that the legislature enacted the COVID-19 Tenant Relief Act of 2020 which protects tenants who have experienced COVID-19 related financial distress and provides general direction to that tenant regarding their rights.

Our association wrote new standard forms for our members to comply with these new legal requirements.



“Transition Time Period”

September 1, 2020, and January 31, 2021.



If landlord provides notice demanding payment of rent that came due during the Transition Time Period, the notice must provide the time period in which the tenant may pay the amount due or deliver possession of the property, which shall be no shorter than 15 days, excluding Saturdays, Sundays, and other judicial holidays. The notice shall set forth the amount of rent demanded and the date each amount became due. This notice (in 12-point font) shall advise the tenant that the tenant will not be evicted for failure to comply with the notice, if the tenant delivers a signed declaration of COVID-19-related financial distress to the landlord on or before the date

the notice to pay rent or quit or notice to perform covenants or quit expires. The notice advises the tenant to that if they are unable to pay the rent that is demanded and have been adversely affected due to COVID-19 that they are to sign and deliver the declaration form that is to be included in this notice within 15 days excluding Saturdays, Sundays and judicial holidays. The notice states that the tenant cannot be evicted for this missed payment as long as the tenant pays at least 25% of the total rent that came due for the 5-month period starting on September 1, 2020 through January 31, 2021.

Should the tenant pay the owner/agent 25%, the decision to proceed to collect the remaining unpaid balance will be complicated.

OTHER IMPORTANT DATES TO REMEMBER

Before **October 5, 2020**, the court is prohibited from issuing a summons on a complaint AND from entering a default or a default judgment for restitution for unlawful detainer in any action that seeks possession of residential real property and that is based, in whole or in part, on nonpayment of rent or other charges.

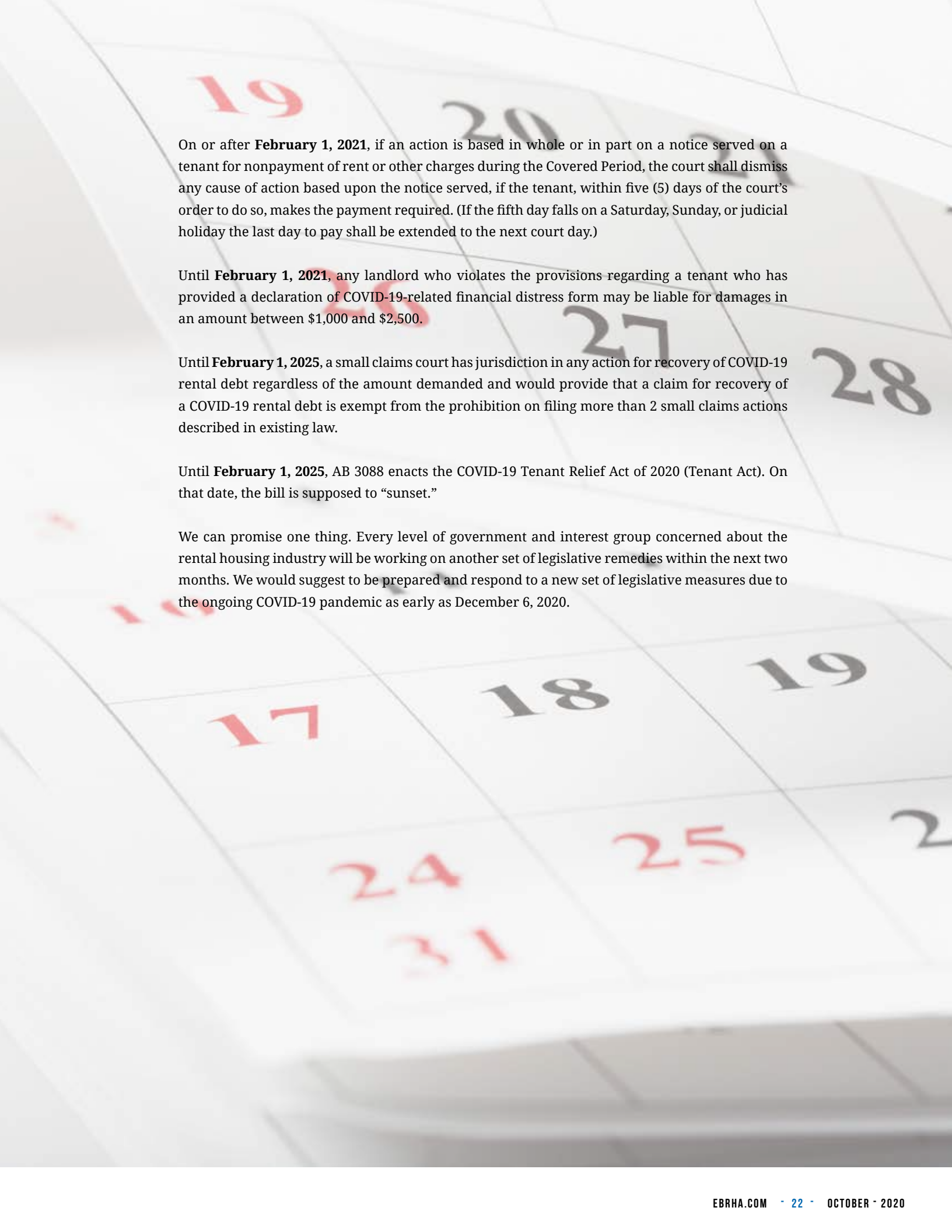
Before **February 1, 2021**, a landlord may not initiate an unlawful detainer action, if the action is based, in whole or in part, on nonpayment of rent or other charges during the Covered Time Period.

Before **February 1, 2021**, if an action is based in whole or in part on a notice served on a tenant for nonpayment of rent or other charges during the Covered Time Period, the court shall dismiss any cause of action based on the notice served.

- Before **February 1, 2021**, The Tenant Act would prohibit a court from finding a tenant guilty of an unlawful detainer, subject to certain exceptions:
- If a tenant was guilty of the unlawful detainer before **March 1, 2020**.
- The tenant failed to either make payment upon landlord's demand or provide a declaration of COVID-19-related financial distress form
- The unlawful detainer action is the result of an at fault or No-fault just cause.
- On **February 1, 2021**, if tenant has continuously and lawfully occupied a residential real property for twelve (12) months, the owner of the residential real property shall not terminate the tenancy without just cause:

At-fault just cause, includes tenant's failure to execute a written extension or renewal of the lease for an additional term of similar duration with similar provisions, after the landlord makes a written request for demand following a written lease terminated on or after **January 1, 2020**.

No-fault just cause, includes a written agreement by a tenant to a provision for leases entered into on or after **July 1, 2020**, if the lease allows the owner to terminate the lease if the owner, or their spouse, domestic partner, children, grandchildren, parents, or grandparents, unilaterally decides to occupy the residential real property.



On or after **February 1, 2021**, if an action is based in whole or in part on a notice served on a tenant for nonpayment of rent or other charges during the Covered Period, the court shall dismiss any cause of action based upon the notice served, if the tenant, within five (5) days of the court's order to do so, makes the payment required. (If the fifth day falls on a Saturday, Sunday, or judicial holiday the last day to pay shall be extended to the next court day.)

Until **February 1, 2021**, any landlord who violates the provisions regarding a tenant who has provided a declaration of COVID-19-related financial distress form may be liable for damages in an amount between \$1,000 and \$2,500.

Until **February 1, 2025**, a small claims court has jurisdiction in any action for recovery of COVID-19 rental debt regardless of the amount demanded and would provide that a claim for recovery of a COVID-19 rental debt is exempt from the prohibition on filing more than 2 small claims actions described in existing law.

Until **February 1, 2025**, AB 3088 enacts the COVID-19 Tenant Relief Act of 2020 (Tenant Act). On that date, the bill is supposed to "sunset."

We can promise one thing. Every level of government and interest group concerned about the rental housing industry will be working on another set of legislative remedies within the next two months. We would suggest to be prepared and respond to a new set of legislative measures due to the ongoing COVID-19 pandemic as early as December 6, 2020.

Tool: Rent Control

THE HOUSING AFFORDABILITY TOOLKIT

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Rent Control

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.¹

Rent control regulations limit the amount of rent a landlord can charge, either by setting a rent ceiling or by limiting rent increase.² 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 York Times*, 2013.³

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.

1. NIMHC, 2017

2. The Economist, "Do Rent Controls Work?" 2015

3. New York Times, "The Perverse Effects of Rent Regulation," 2013

Impacts

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

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 developers 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.

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.

ACCELERATING GENTRIFICATION IN SAN FRANCISCO, CA

A Stanford Graduate School of Business study released in 2018 tracked the effects of rent control in San Francisco since their expansion of regulation in 1994. The study found that rent control reduced the supply of housing in the city by 6% and was responsible for more than 5% of the increase in rental prices of unregulated units. Additionally, rent control incentivized landlords to convert their properties into condos, further decreasing supply and raising rents. This may have accelerated gentrification in the Mission District, as smaller buildings that were once market-rate affordable housing rapidly became condos.

The study also found that the initial benefits of rent control helped existing tenants at the expense of new tenants. Tenants who lived in rent-regulated units before 1993 benefited by a net of \$2.7B – exactly equal to the direct and indirect costs borne by new tenants living in unregulated units from 1993 onward. This created winners and losers and provided no overall benefit to tenants.

1. Author et al. "Housing Market Spillovers: Evidence from the End of Rent Control in Cambridge, MA," *Journal of Political Economy*, University of Chicago, 2014.
 2. Ellis Act Evictions, Anti Eviction Mapping Project, 2018.
 3. Stanford Graduate School of Business, "Rent Control Winners and Losers," 2018.

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 rent-stabilized units in Manhattan was higher than the median income of market-rate residents in all but eight neighborhoods across all five boroughs.² Higher-income residents in Manhattan paid less for their apartment than lower-income households in the cheaper markets of Brooklyn and Queens.

A study in Cambridge, MA found that households in rent-controlled housing had higher incomes than the citywide average, including the average incomes of homeowners.³

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 up-front 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.



1 New York Times, “San Francisco Rent Control: Unintended Consequences,” 2012.
 2 NYU Furman Center, 2012.
 3 Goetz, “Rent Control: Affordable Housing for the Privileged, Not the Poor,” 1994.
 4 L.A. Weekly, “L.A. Moves to Curb ‘Cash-for-keys’ Rent-Control Landlord Scams,” 2016.



Rental Housing Industry Unites to Support Housing Providers

Courtesy of NAA

On September 1, 2020, the U.S. Centers for Disease Control and Prevention (CDC) filed an order in the Federal Register to Four associations who serve the rental housing industry, with funding from leading property management software provider Yardi Systems (Yardi), are partnering to develop a comprehensive strategy to ensure the long-term success of the industry, both amid the COVID-19 pandemic and as the nation's economy begins to recover. The Institute of Real Estate Management (IREM), National Apartment Association (NAA), National Multifamily Housing Council (NMHC) and National Association of Residential Property Managers (NARPM) are combining their collective resources in this effort.



“Yardi is pleased to contribute \$1M to help the rental housing industry recover from the hardship caused by the COVID-19 pandemic and its economic fallout. With nearly 40 million Americans living in apartments, the rental housing industry plays a critical role in housing them safely and securely. We are delighted that the four major associations who serve the rental housing industry – NAA, NMHC, IREM, NARPM – will share knowledge, develop industry benchmarks, research new ways of operating and provide forward-thinking solutions for the benefit of residents, owners and the rental housing industry,” said Anant Yardi, President and Founder of Yardi.

“IREM fully supports the efforts of Yardi and our industry association partners to position residential real estate for long-term growth,” says Denise Froemming, IREM CEO and Executive Vice President. “Developing shared resources and working towards common goals will help all of us navigate the legislative, operational and economic issues we currently face. Collectively, we can inspire more meaningful action, leading to favorable outcomes for our members and the industry as a whole.”

Robert Pinnegar, President & CEO of the National Apartment Association, said, “NAA welcomes this initiative and looks forward to partnering with our colleagues to develop valuable solutions to property management issues – some of which the industry faced prior to the COVID-19 crisis but many of which were exacerbated by the pandemic. Expanding our regulatory and legislative footprint in state and local governments so they understand the needs of the industry will be one key to success.”

“NMHC is proud to once again partner with Yardi and our allied associations in the mission of jump starting the multifamily industry in the short term as we continue the recovery from COVID-19, and developing a disciplined, sustainable path to ongoing success,” said Doug Bibby, NMHC President. “The pandemic has posed unparalleled challenges to our residents, colleagues and firms. But we now have a singular opportunity to work together in pursuit of long-term prosperity. This collaboration is an important step to that shared goal.”

Gail Phillips, CAE, CEO of the National Association of Residential Property Managers, stated, “NARPM® is delighted to be part of this Yardi initiative. The pandemic has forced the industry to go through many changes in both business functions and advocating on pressures legislatively. The partnership of these four individual organizations will ensure that all areas in the rental housing arena are addressed through the sharing of our respective knowledge and advocacy efforts. This action will give strength in educating the entire industry.”



CALENDAR OF UPCOMING WEBINARS

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 October online classes. Be sure to follow our email updates and keep up with our event calendar

WWW.EBRHA.COM/EVENTS

16

OCTOBER

MEMBER MEETING

Date and Time: Friday, October 16, 10– 11:30 a.m.
Presenter(s): Attorney Mandana Arjmand AB 3088, Daniel Sarabi of Livable

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OCTOBER

SMALL PROPERTY OWNER ROUNDTABLE

Date and Time: Tuesday, October 20, 2 – 3:30 p.m.
Presenter: Wayne Rowland

21

OCTOBER

TOWNHALL MEETING

Date and Time: Wednesday, October 21, 6 – 7:30 p.m.
Presenter: Oakland City Councilwoman Lynette McElhane, Councilwoman Candidate Carroll Fife & City Attorney Candidate Eli Ferran

28

OCTOBER

PROPERTY MANAGEMENT Q&A

Date and Time: Wednesday, October 28, 3 – 4 p.m.
Presenter(s): Judy Shaw and Mahasty Lebastchi

11

NOVEMBER

RENTAL PROPERTY MANAGEMENT 103

Date and Time: Wednesday, November 11, 2–3 p.m.
Presenter: EBRHA Board Member Mahasty Lebastchi

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NOVEMBER

SMALL PROPERTY OWNER ROUNDTABLE

Date and Time: Tuesday, November 17, 2 –3:30 p.m.
Presenter: Wayne Rowland

18

NOVEMBER

PROPERTY MANAGEMENT Q&A

Date and Time: Wednesday, November 18, 3 – 4 p.m.
Presenter(s): Judy Shaw and Mahasty Lebastchi

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NOVEMBER

MEMBER MEETING

Date and Time: Friday, November 20th 10 am- 11:30 am
Presenter: More Information Coming Soon



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2. Grand Jury Complaints

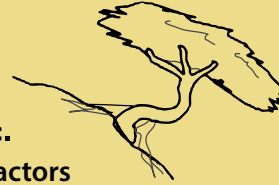
This investigative body looks at complaints received from citizens alleging mistreatment by officials, suspicion of misconduct, or government inefficiencies. To file a complaint, send an email to grandjury@acgov.org.

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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EAST BAY RENTAL HOUSING ASSOCIATION COVID-19 COMMUNICATION

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.

**WE WILL SEND OUT FURTHER
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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 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

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

*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%

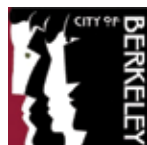
Beginning in 1998, adjustments are not allowed for the year following a tenant's initial occupancy. To obtain the maximum amount for a specific address, please use the "Rent Ceiling Database" calculator on Berkeley's Rent Board website.

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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