

Rental Housing

EAST BAY RENTAL HOUSING ASSOCIATION | SEPTEMBER 2020



HOW COVID-19 RESTRICTIONS HAVE IMPACTED CREDIT SCORES

“Excellent” and “Good” credit scores increased by 8.2% in June

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PREFAB VERSUS STICK BUILD:

A SIDE-BY-SIDE ADU COMPARISON

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ADUs CAN BE TAXING,

but not as much as you think

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EBRHA
EAST BAY RENTAL
HOUSING ASSOCIATION

EAST BAY RENTAL HOUSING ASSOCIATION

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STEVE EDRINGTON

Steve Edrington is a Certified Property Manager, Certified Commercial Investment Member, Residential Building Code Inspector, and has over 25 years' experience as a broker, investor, and developer. His company, Edrington & Associates, specializes in accessory dwelling units (ADUs), code enforcement issues, condo conversions, and rent increases as well as providing expert witness testimony for landlord/tenant disputes. Steve has managed over 50 rehabs of single-family homes, condos, and apartment units with extensive experience in condo conversions and accessory dwelling units.



JOEY KIM

Joey is the Lead Designer and Project Manager of Harts Kitchen and Bath Designs. This design studio is located in north San Jose.

Joey has a BA Degree (Honours) in Interior Design, and is certified in kitchen/ bath design and renovations through NKBA. She is an active member of the following design and remodel associations:

- NKBA (National Kitchen and Bath Association)
- NARI (National Association of the Remodeling Industry)
- ASID (American Society of Interior Designers)

All of these professional associations establish leading professional criteria and laws that ensure safe kitchens and baths for homeowners to enjoy for many years. As well, membership requires regular CEU training (continuing education units). This results in well-trained renovation professionals who are the most up-to-date on the latest building developments and codes.

Joey and her team have been in the design and renovation industry since 1999. They offer full-scale project management with construction drawing details. They are experienced in product selection, efficiently moving the renovation process forward, and providing quality control for a beautifully renovated home.

EBRHA Lobbied for the following State Bills. Here is the Outcome.

AB 828 (TING): *Temporary moratorium on foreclosures and UDs.*

This bill was held in Senate Judiciary. EBRHA engaged in the bill quickly once it was amended and helped lobby to hold it in committee.

AB 1436 (CHIU): *Rental payment default and mortgage forbearance.*

This bill was held in Senate Appropriations. EBRHA heavily engaged in this very flawed bill and the subsequent legislation AB 3088.

AB 1703 (BLOOM): *ROFR bill.*

This bill was also held in Senate Judiciary committee this year after EBRHA expeditiously took a position and submitted a letter opposing it.

AB 2406 (WICKS): *Online rental registry portal.*

This was an early win for CalRHA and this bill was held on the Appropriations Suspense file.

AB 3260 (WICKS): *Tenancy security deposits.*

This bill was held on the Assembly Floor as Assembly Member Wicks was unable to obtain the necessary number of votes. Killing a bill on the floor is often a very rare accomplishment, one that we were able to achieve on AB 3260.

SB 1190 (DURAZO): *Tenancy termination.*

While this bill ultimately passed the Legislature, significant amendments were taken that removed the enforcement provisions of AB 1482 from last year. This is a significant win because it was a key commitment that we received from Assemblyman David Chiu last year when negotiating the bill.

SB 1410 (CABALLERO): *Provides tax credits for owners who defer rent for tenants in connection with COVID-19 pandemic.*

This bill was held in the Assembly Appropriations Committee. EBRHA took an Oppose Unless Amended position due to various issues with the bill including that it would have done nothing to assist rental housing providers who need financial assistance now.



HOW COVID-19 RESTRICTIONS HAVE IMPACTED CREDIT SCORES

by BECKY BOWER

Perseverance and grit are built into the foundations of our industry. While March through June of 2020 was taxing to say the least, you've had time to remodel your policies and procedures to adapt to rental applicants with an unfamiliar kind of recent credit history. As we were all scrambling over these four months, VantageScore credit scores for consumers have changed as well – and it just might be the good news you've needed.

RENTER CREDIT SCORES ARE LOOKING UP

In this industry, you can see the very real damage a sudden loss of income can wreak on renters. Typically, rampant unemployment and economic upheaval devastates consumer credit scores, reduces or terminates rental payments, and spikes credit card usage and debt. However, that hasn't been entirely true during the early months of the coronavirus pandemic.

According to the National Multifamily Housing Council, from the 11 million apartments they collected data from, over 94% made a full or partial rent payment from April to June. Even in the states with the largest increase in unemployment, Experian found that there was “no strong correlation between a state's increase in the unemployment rate and growth or decline of debt or credit.” It's worthwhile to keep in mind that this has all been during the initial shutdown and government protections, but an extended recession will likely have a negative impact on this data in the coming months.

Thanks to provisions within the CARES Act in March, the impact of the COVID-19 outbreak and swift decline in the economy has not been as severe. This allowed adverse credit reporting for those affected by COVID-19 unemployment (so long as the individual's account was current) to be halted and aid like deferred or partial payment plans to be offered. ●…………

8.2% “EXCELLENT” AND “GOOD” CREDIT SCORES INCREASED BY 8.2% IN JUNE

BECAUSE OF THESE EARLY EFFORTS, OUR DATA SHOWS THAT RENTAL APPLICANT CREDIT SCORES WERE MINORLY IMPACTED FROM MARCH TO JUNE AND SOME CONSUMERS' SCORES INCREASED DURING THIS TIME. APPLICANTS WITH CREDIT SCORES RANGING FROM 850 – 660 (CLASSIFIED AS “EXCELLENT” AND “GOOD” SCORES) COLLECTIVELY INCREASED BY 8.2% BY JUNE.

▶ “ARE CREDIT SCORES STILL RELIABLE?”

Short answer: yes.

Credit scores are used within the rental housing industry to determine whether or not an applicant could be a financial risk based on their prior credit and lending history. Unpaid credit card debt due to the pandemic does not accurately represent how financially responsible the rental applicant is. After all, it's not their fault COVID-19 hit.

THE LONG-TERM IMPLICATIONS

Although the CARES act has stalled the coronavirus pandemic's financial effects by offering credit score aid, increased unemployment benefits, and a one-time check to qualifying households, it's not a permanent solution. As local courts begin to open back up, the industry is going to see a tsunami of evictions and an influx of rental applicants. It will take time for the unemployment rate to start to decline, and some vulnerable renters will simply be unable to work or pay rent. While credit scores look good now, unfortunately, it is unlikely it will stay that way permanently.

While it's uncertain what the future will look like, it's important to celebrate your wins. VantageScore credit scores are up, (for many properties) rent payments are still coming in, and you and your team are thriving, doing your best to keep your residents safe and sound. Be sure to subscribe to our blog to get updates on credit score trends and check out the full report on March through June's VantageScore data.



PREFAB VERSUS STICK BUILD: A SIDE-BY-SIDE ADU COMPARISON

by HABITAT STAFF

Prefab homes are on the rise in the US, and for good reason. With increased options for customization, quality and upgrades, this more controlled and predictable building option entices homeowners who want to escape the curveballs and headaches that come with traditional builds.

In addition to cost control, pre-fabs can be built off-site, reducing noise and interruptions to your day-to-day life. Last we checked, no one loves living in a construction zone. Another perk of the off-site build is no weather delays in the build phase, which helps to control total build time, letting you accurately forecast when you can take advantage of your new space or begin to collect rental income. Below, we breakdown a quick chart for comparing the pros and cons of choosing a pre-fab ADU or a traditional stick-build.

PRE-FABRICATED ADU

- ✓ Fixed Costs
- ✓ High Level of Flexibility
- ✓ No Architect or Engineering Fees
- ✓ Offsite Build
- ✓ \$199–420 / sq ft
- ✓ 2-4 Week Onsite Install
- ✓ No Weather Delays
Fixed Timeline

STICK BUILD ADU

- ✓ Variable Costs
- ✓ Complete Flexibility
- ✓ Varied Architect and Engineering Fees
- ✓ Onsite Build
- ✓ \$700–900 / sq ft
- ✓ 6-12 Months of Onsite Construction
- ✓ Weather Delays
Variable Timeline





Wondering why pre-fab is so much more affordable?

Stick-build homes come with unique costs that add up—particularly architecture and engineering fees. Something else to keep in mind if you plan to independently build a custom ADU: the time investment is steep. Applying for permitting, managing contractors and tradespeople, and sourcing fixtures and interiors add up fast.

Habitat offers eleven different pre-fab models, ranging from 426 square feet one-bedroom units, all the way up to 1,200 square feet three-bedroom homes. You can customize your unit with optional flooring and fixture upgrades and every unit is solar-ready. The best part? Everything is wrapped up in one fixed cost, including site evaluation, permit package creation and submission, interior and exterior finishings, fixtures, and appliances. That also includes all site work—from the foundation to trenching and utility connections. Pre-fab gives you complete clarity around cost and timeline.

For more information, visit Habitat's website at [habitatadu.com](https://www.habitatadu.com) and/or contact **Eric Preston** at erik@habitatadu.com.

ADUs can be taxing, **BUT NOT AS MUCH AS YOU THINK**

by STEVE EDRINGTON



Thanks to a new set of state laws signed in late 2019, California property owners can now more easily add units to their single-family and multi-family properties. Adding these units, known officially as Accessory Dwelling Units (ADUs) — and sometimes called in-law units, granny flats or cottages — is one of the best investments you can make to add value to a property.

One of the questions we often hear from property owners who are considering an ADU is, “how will this affect my property taxes?” While this is a fair question, it is important to understand that adding value from an investment standpoint is quite different than adding value from a tax standpoint. We’ve outlined the incredible investment opportunities of ADUs previously, and in summary, those by far outweigh any additional property taxes you may end up paying.

So how do the taxes work? When your ADU project is completed, copies of the building permits are sent to your County’s Assessor. After they are received and reviewed, a desk appraisal is scheduled to determine the fair market value of the newly constructed portion as of the date the construction was completed. Only the portion of the property that was newly constructed is subject to reassessment at fair market value. So, if an ADU is added to a parcel with an existing home, only the portion with the ADU is re-assessed, and the existing property will retain its previously established Proposition 13 base year value.

AB 3088 Alert

On August 31, 2020, Governor Newsom signed the Statewide COVID-19 Tenant and Landlord Protection Legislation (AB 3088). This law contains numerous complicated provisions that start immediately.

EBRHA MEMBERS SHOULD NOT ISSUE ANY NOTICES OR ATTEMPT OTHER METHODS OF COLLECTING UNPAID RENT UNTIL AN ATTORNEY HAS BEEN CONSULTED.

Highlights of the state legislation with respect to non-payment of rent issues are as follows:

- No renter can be evicted before **February 1, 2021**, as a result of rent owed due to a COVID-19 related hardship that accrued between **March 4 – August 31, 2020**, if the renter provides a declaration of hardship according to specified timelines.
- For a COVID-19 related hardship that accrues between **September 1, 2020, and January 31, 2021**, renters must pay at least 25% of the rent due to avoid eviction.
- Payment must be made by **January 31, 2021**, to avoid eviction. Otherwise, housing providers can proceed with an eviction case on or after **February 1, 2021**.
- Starting **February 1, 2021**, renters will have to start making full payments.
- To avoid evictions, the renter must provide a declaration, under penalty of perjury, claiming a COVID-19 hardship. High income renters, those making 130% of the area median income, are required to provide additional documentation for their COVID-19 related hardship.
- Housing providers may begin to recover unpaid rent, due between **March 4, 2020, and January 31, 2021**, as consumer debt (but not an eviction case) starting **March 1, 2021**. Small claims court rules have changed to encourage small claims actions. However, before starting a small claims case to recover rental debt, consult with an attorney to become knowledgeable about the benefits and risks of small claims cases.
- Notice periods have been increased from three (3) days to fifteen (15) days excluding weekends and court holidays.
- **Housing providers who do not follow the new notice and eviction procedures face increased monetary penalties.**

Evictions for non-monetary COVID-19 reasons will be allowed to resume starting September 2, 2020. This includes, for example, nuisance and non-monetary material breaches of a lease.

PLEASE NOTE: Existing local ordinances will remain in place until they expire. However, future local government actions including extension, expansion, renewal, reenactment or new adoption of a measure that occurs between **August 19, 2020, and January 31, 2021**, shall have no effect until **February 1, 2021**. If your rental property is located in a locally rent controlled jurisdiction, follow the applicable local ordinance.

Owners of owner-occupied 1–4 unit rental properties may qualify for certain mortgage forbearance.

The added value is not necessarily what you paid for your new structure; it is what your property's added real value is determined to be. Assessors use three primary ways to determine value:

1. Income (for commercial/income properties)
2. Cost of improvements (as determined by either):
 - The State Board of Equalization tables (published annually)
 - The Marshall and Swift Valuation Service Guide (used primarily for commercial and industrial properties, but sometimes used as a reference for residential properties as well)
 - The actual cost of the construction (including all related expenses)
3. Comparing the values of other recently sold, similar properties. In addition, cities and counties can add additional fees and percentages, such as Oakland, with one of Alameda County's higher property tax rates at approximately 1.5% of the assessed value. The tax rate is made up of the ad valorem tax rate of around 1.3% plus special assessments added by local jurisdictions.

So, for example, a home in Oakland appraises for \$800,000. An ADU is added that increases the property's appraised value to \$900,000. The supplemental appraisal would be for the added value of \$100,000.

The calculation of added taxes for an ADU would be:
 $\$100,000 \times 0.015 = \$1,500$ per year additional property taxes. We recently worked on a project where the client had just purchased a property with an ADU in the basement. Unfortunately, the unit was not permitted, and after the sale, the owner proceeded to pull permits that triggered an increase in property taxes. We worked with the Assessor not to increase the property taxes since we were able to convince their appraiser that they had already captured the value of the unit at the time of sale and that their new assessment was double taxation.

In summary, the addition of one or more ADUs will increase your property taxes, but not in the drastic way that some property owners fear. Plus, legalizing an existing taxed improvement is a good argument against a tax increase. The bottom line is that ADUs generate rental income that far exceeds any tax increase.

Edrington and Associates helps property owners with adding and legalizing units through the ADU process. They also consult on condo conversions, code enforcement issues, and notices of violation. For more information on their services, visit edringtonandassociates.com.

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REMODELING ON A BUDGET

by JOEY KIM

then cleaning with TSP cleaner for best adhesion to surfaces. Pair this super primer with a urethane alkyd enamel paint for the longest wear. Apply primer and paint with a sprayer for a smooth professional finish.

Glazing counter-tops is the simplest and most cost-effective solution to updating the counter-top. However, with tiled counters, grout lines remain visible and don't provide an upscale look. Laminated counters are durable and attractive, especially with pre-formed edges by Formica and WilsonArt. The edge profiles are elegantly curved and beveled, and don't have the old-fashioned dark seam usually visible in laminated joints. Be wary of kitchen use though, as hot surfaces can damage the surface. When exposed areas are properly sealed against moisture, laminate counters can stand up to years of use with tenants who take care of the surface.

Solid-surface counters like Corian are more durable. If scratches, chips or burns, the surface can be buffed out since it's a solid material. Just know, buffing by a professional can be pricey if the area is substantially damaged or large expanse.

Pre-fabricated granite and quartz counters provide the most luxurious and durable surfaces, with minimal labor and fabrication costs compared to custom counters. Since the front edges are already installed, the fixture cut-outs, polishing and joints are cut per layout. Cutting and polishing is not difficult with the right tools and enough strong backs to help move. However, it may make more sense timewise to hire a local counter fabricator who's willing to pick-up the slabs and fabricate.

Some pre-fabricated counters also offer matching 4"-6" height backsplashes, which are inexpensive finishing touches for bathrooms at \$20-40.

During these particularly uncertain COVID times, renting to tenants with great credit ratings and references will be integral to keeping rent funds coming in. Plus, with the amount of expected evictions, there will be ample rental options for tenants to choose from. To capture the ideal tenant, remodeling will create that new, fresh, homey feel tenants love.

The best budget renovation tip is paint. It covers multiple sins like aged oak cabinets and thick, grungy grout lines. Over time, kitchen and bath cabinets in particular show the most wear. Replacing cabinets require buying new cabinets, wall repair, counter-top replacement, and backsplash repair/ replacement, all of which can cost tens of thousands. Painting cabinets and hinges will substantially save, and give a fresh new look that can last for years.

The trick to painting these hard-working surfaces is a super-adhesion paint primer made for durability. Use a product like Zinsser stain blocker oil-based primer, prepping the surface with light sanding

Instead of replacing tubs, shower tiles, sinks and toilets, re-glaze them instead for better return on investment. Remove old caulking from the tub, polish the porcelain on cast iron tubs, and spray re-glazing finish for new fixture look. Or hire re-glazers who can tackle all the bathrooms in one trip. Splurge on white silicone mold-resistant caulking for the most durable protection.

For showers, remove aged glass doors and replace with shower curtains. They're easy and inexpensive to replace as needed, and allow tenants to personalize the bathrooms with their own unique shower curtain.

Change existing recessed can lights and decorative lights to 3000K color temperature for warm daylight throughout the rental. 3000K is an inviting color to come home to, and not too yellow or blue-toned. Replace halogen, incandescent and CFL recessed can lights to LED can lights. Not only are LED's more energy efficient, they also emit less heat, and the new can surface and trim will immediately freshen up the space. Likewise, changing out wall outlets and switches to easy-to-use toggle style switches update the space.

Backsplashes are now available as adhesive tile sheets for DIY. A lot of luxe look for a little bit of money. Change cabinet knobs and pulls for a fresh update. Measure existing center to center holes and find new sizes to match. Look for special pack sales at Home Depot and Amazon for best pricing.

For flooring, solid polymer core planks are waterproof, almost indestructible, easy to replace due to floating installation, and relatively inexpensive compared to new tile or wood flooring. Their wood look gives luxurious comfort that's easy to walk on and wears well.

For appliances, shop for package deals. Replace cooktops and ovens with ranges for lower pricing and easy replacements as needed. Freshen existing cooking grates by leaving overnight soaking in ammonia in a freezer baggy. This washes off old crust and gunk.



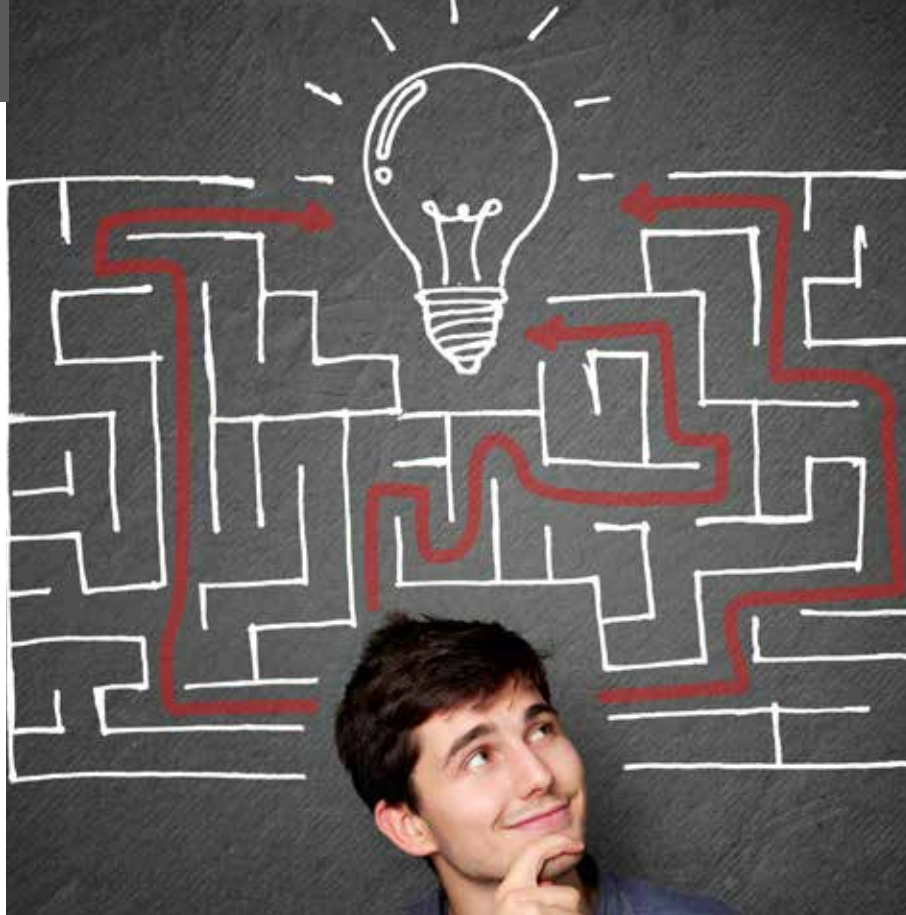
For the most appealing look in the kitchen, keep colors light in at least two of the following areas: cabinet, countertop, backsplash, or painted walls. Always keep the ceiling color at least three shades lighter than the walls to keep the space feeling bigger and reflect light for more airiness. Unless the ceiling is 10 feet high or taller, in which case the same color as the walls will bring cohesion and coziness, and keep paint labor costs down.

Selecting the right colors and textures make all the difference between loveliness and cave-like gloominess that tenants despise. If selecting is not a strength, hire an experienced interior designer or decorator to consult. Send photos of counters, backsplashes, cabinets, carpet options considering, and the interior designer/ decorator can coordinate a beautiful style palette with paint colors suggestions.

In my experience, the most popular upgrades in remodels are counter-tops, flooring, cabinets, faucets and cabinet hardware. Biggest bang for the buck is paint, cabinet hardware, faucets and decorative lighting.

Ultimately, tenants want an easy-maintenance home that looks great and feels comfy. They don't want to worry about scratching the paint on the cabinets, or burning the counter-top through normal usage. If increased rents are able to cover the upgrades within a reasonable time period, in the long run remodel costs will be recouped plus more. Hopefully these tips will help quickly sign dream tenants who'll stay happily in their rentals for many years.





WHAT CAN'T A PROPERTY MANAGER DO: THE BIG NO-NOs OF THE INDUSTRY

by BECKY BOWER

It wasn't all that long ago that a rental property owner went viral after nabbing her renters' packages, claiming them as the 'rent' that they owed her. Naturally, she backtracked that statement pretty quickly as she realized no one really found the idea as funny as she did. TikTok's banishment aside, her video is one great big sign that bragging about how 'petty' you can be is a big no-no.

What other warnings have been overlooked by not-so-great property managers?

DON'T STEAL FROM YOUR RESIDENTS

This one should be pretty obvious. According to Abbe Awosanya, the landlord who danced for our enjoyment, she wasn't 'actually stealing' and those were her own boxes she was using as props! Good for her if that's true, but let's just put it out there. A lot of renters haven't paid their rent right now, that much is true, but do not steal from them. Even if its packages are left out on the street, messing with mail is still a federal offense and a jury would not look well on you if it went to court – theft or evictions court – if getting fired wasn't enough.

DON'T ASK INTRUSIVE QUESTIONS

There's a limit to what can go on in an interview. You can ask if they smoke cigarettes, if they are employed, if they have pets, but prodding too deep can get you into trouble. You can't ask how often they bring dates home or their sexual identity. You can't ask if that service dog is really a service dog, or why they would need one. You're not going to know when's the last time they had an absolute rager of a party. You can't ask about their drinking habits or if they like to party – while these things may be what you'd like to ask or are interested in, a lawyer will point out a rental property asking these questions will be quick to find themselves served.

There's a mess of things that property owners and managers can't or shouldn't do... Take a step back every once in a while and make sure you're not crossing any invisible lines.

▶ **DON'T USE SOCIAL MEDIA TO VET APPLICANTS**

While the option is enticing, this is an entirely bad idea. A person is not their social media account: just ask the three doctors now infamous for making this mistake as they judged their colleagues 'professionalism' based on their online profiles. Taking a few selfies with a glass of wine does not an alcoholic make! The problem with social media is that it is not objective, but a persona that a person cherry-picks to share. There are plenty of people out there with multiple profiles: one that's "mom-approved," one that's professional, and one that's ... other. Who knows which one you'll find? This doesn't get into the information you're not supposed to know, or that's illegal for you to use in your decision-making process. Social media won't protect you from seeing that information. It's best to stick to industry-standard resident screening.

DON'T MAKE ASSUMPTIONS

You know those people who brag that they can tell a person's entire life story in the first few moments of meeting? Yeah, don't be them. There is nothing in those moments that go beyond silly assumptions. Oh, they're in a button down, so they must be a hard worker? That might be their only "nice" shirt cause their day-job requires a uniform. The only thing you can know for fact is that they showed up, and they want to live on the property. Everything else is probably covered by discrimination laws, and that's an issue you don't want to take a chance on.

DON'T DROP BY UNANNOUNCED

There are plenty of landlords (and property managers too) who would love to check in on their property just to make sure the place isn't in utter shambles. They might want to come into units, using their handy-dandy keys to see how many holes are in the walls, if the kids are stomping on the counter tops or if there's any fire hazards on the balcony. This is not advisable. There is a contract in place, and you have to give your residents notice and reason before coming.

This is just the tip of the iceberg! There's a mess of things that property owners and managers can't or shouldn't do. Spying on the residents, hounding if the rent is half an hour late, there are some things that damage your reputation and some that can do more damage than that. Take a step back every once in a while and make sure you're not crossing any invisible lines.



An ongoing series



Tool: Tax Abatement

THE HOUSING AFFORDABILITY TOOLKIT

Developed in Partnership with
HR&A Advisors

Economics of the Tool

Tax incentive policies are designed to reduce operating expenses and the resulting rent required.

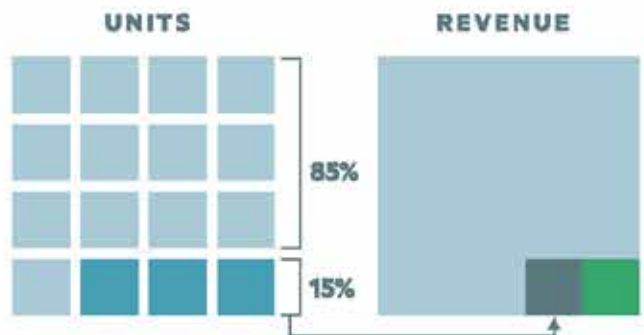
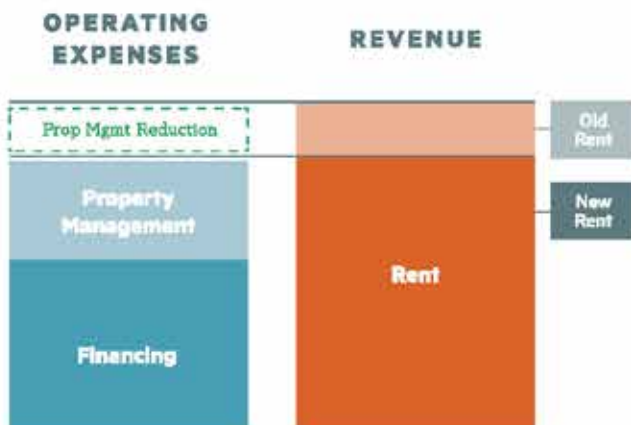
Direct Approach: Reduced Operating Expenses

Tax incentives impact property management expenses directly by reducing the annual property tax paid by an owner. Lower property management expenses may also help underwrite more favorable financing terms.

A reduction in these costs leads to a lower amount of operating expenses required and a lower required rent to make the project viable. Policies that require affordability as a condition of tax incentive must ensure that the reduction in rent can be offset by the savings in operating expenses.

If the required rent for a project is \$1,000 per month and a program is designed to create units that are affordable for households earning \$30,000 or less, tax incentives must account for \$250 per month per unit to make the project feasible. For this program to help 1,000 households, it would cost the city \$3 million annually, plus additional administration costs, for each year that the units remain affordable.

For a mixed-income building, direct property tax incentives can be used to increase affordability for some of the units. For a hypothetical 100-unit building, if the required rent for a project is \$1,000 per month and a program is designed to ensure that 15% of the units are affordable to households earning \$20,000 or less (at \$500 per month), a tax incentive could provide a tax incentive of \$75 per unit. The market-rate units would be able to reallocate these savings toward the 15 units to account for their reduced rents.



With tax incentives, 15% of the units only need to account for 7.5% of the required rent

- Market-Rate Units (\$1,000/month)
- Subsidized Units (\$500/month)
- Tax incentive subsidy

Economics of the Tool

Tax incentive policies are designed to reduce operating expenses and the resulting rent required.

Supply Approach

Tax incentives can increase affordability indirectly. As supply increases, it reduces competition for existing housing and leads to lower rents. This indirect impact can be significant. Below is the estimated¹ impact of a 1% increase in housing supply on rents and the number of households who would be able to afford rental housing as a result.

DECREASE IN SHARE OF UNITS <\$800 SINCE 2000 (PERCENTAGE POINTS)	EFFECT OF 1% INCREASE IN SUPPLY	
	REDUCTION IN RENT	INCREASE IN AFFORDABILITY (BY HOUSEHOLDS)
Atlanta 15.7	0.63%	690
Sacramento 19.5	0.98%	720
Minneapolis 15.1	0.95%	780
Denver 20.9	0.98%	1,300
Pittsburgh 21.1	1.19%	730
San Antonio 19.3	0.82%	720
Seattle 14.5	1.02%	1,500
Tampa 26.8	1.00%	580

¹ A 2018 study by the Bay Area Council Economic Institute ("Solving the Housing Affordability Crisis") evaluated the effect of various housing policies based on the number of households for which housing would become affordable as a result of the policy, using a 30% housing cost burden assumption. The report evaluated the responsiveness of price to changing the supply through policy. Using a similar method, HREA evaluated the number of households for which housing would become affordable, given a 1% increase in the overall supply of the eight case-study cities.



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Preliminary Guidance on CDC Eviction Moratorium

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 temporarily halt residential evictions to prevent the further spread of COVID-19. The order was formally published on Friday, September 4, 2020 and bars evictions of renters in residential housing until December 31, 2020.

The order:

- Applies to virtually all rental housing providers and prohibits any eviction action to remove a renter from their housing during the covered period, so long as the renter provides the required declaration to their housing provider;
- Does not prevent evictions based on the lawful reasons articulated in the order, other than nonpayment of rent;
- Does NOT eliminate the resident's obligations under the lease, and housing providers may charge late fees or other penalties for nonpayment of rent; and
- States that any person or organization that violates the order may be subject to up to \$500,000 in fines per violation and/or jail time. Enhanced penalties apply if the violation resulted in death, at the discretion of the U.S. Department of Justice.

For renters to be eligible for the order's protections, they must provide a declaration under penalty of perjury to their housing provider indicating the following:

- The individual has used best efforts to obtain rental assistance;
- The individual expects to earn no more than \$99,000 (no more than \$198,000 when filing jointly); was not required to report income in 2019 to the IRS; or received a stimulus check pursuant to the CARES Act;
- The individual is unable to pay their full rent due to a number of factors that remain unconnected to COVID-19;
- The individual is using best efforts to make timely partial payments; and
- Eviction would likely render the individual homeless or force the individual to move into and live in close quarters in a new congregate or shared living setting because the individual has no other available housing options.

An example of the declaration can be found in the order, and the CDC has provided the document on the website. Please note that this form will immediately halt any eviction proceedings, and housing providers are not required to distribute the form to residents.

Jurisdictions that have an eviction moratorium providing the same or greater level of public-health protection than the CDC order are exempt from its requirements.

To help housing providers better understand their rights and responsibilities under the order, NAA, in partnership with the Texas Apartment Association (TAA), has prepared preliminary guidance and FAQs. This guidance is not intended to be state specific and should be used in conjunction with advice from local legal counsel to interpret these requirements in light of existing federal, state and local eviction laws.

NAA and TAA are also sponsoring a free 75-minute webinar, "Understanding the CDC Eviction Moratorium," on Thursday, September 10 at 2 p.m. CDT. The webinar features NAA Senior Vice President, Government Affairs Greg Brown, NAA Vice President, Legal Affairs and Counsel Scot Haislip, NAA Senior Staff Attorney Ayiesha Beverly, NAA Director of Public Policy Nicole Upano, TAA General Counsel Sandy Hoy and Hoover Slovacek Equity Partner Howard Bookstaff, who will provide the latest updates on the CDC Order. Reserve your space now.

There still remain a number of unanswered questions about the Order and how it will be implemented; this is an evolving situation and NAA will provide for updated information as it becomes available. If you have any questions about the CDC order, or COVID-19 in general, please reach out to NAA staff at CV19questions@naahq.org.



CALENDAR OF UPCOMING CLASSES

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

WWW.EBRHA.COM/EVENTS

30

SEPTEMBER

PROPERTY MANAGEMENT Q & A

Presented by: EBRHA Board Members Judy Shaw and Mahasty Lebastchi
Wednesday, September 30 | 2-3:30 PM PST | Zoom Webinar (Online)

01

OCTOBER

SURVIVING THE LAWSUIT TSUNAMI

Presented by: Brad Barth, Barth Calderon
Thursday, October 1 | 1-2:30 PM PST | Zoom Webinar (Online)

EBRHA'S MONTHLY OFFERING:

- Rental Property Management (101, 102 and 103 in rotation)
- Member Meeting
- Small Property Owner Roundtable
- Property Management Q & A

For dates and presenters, please check ebrha.com/events as we update our calendar regularly.

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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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ALAMEDA COUNTY ANNOUNCES NEW PROPERTY OWNER INCENTIVE PROGRAM



Alameda County seeks property owners with available apartments to rent to residents supported by our programs. Our program offers guaranteed rent payments, enhanced damage security and a signing bonus for the owner. Our Alameda County Landlord Hotline (510-777-2100) connects interested property owners with non-profit partners that administer rent subsidies for residents at risk of or currently experiencing homelessness to become stable and reliable tenants.

“Housing is a basic need that is critical to residents’ health and safety,” says Kerry Abbott, Director of the Office of Homeless Care and Coordination. “To end homelessness, we need a community effort that includes the private housing market. Our goal is to provide housing and support to our clients while offering financial security for property owners.”

The program offers a number of benefits including guaranteed on-time monthly payments for property owners, resident support services and additional financial incentives for property owners. ***The program is currently offering payment of a security deposit, a \$4,000 damage guarantee, and a bonus of \$1,000 to new landlords or \$500 to current landlords for each new unit dedicated to the program.***

Each night more than 8,000 people experience homelessness in Alameda County, unable to afford a place to call home in this expensive rental market. We anticipate that even more Alameda County residents will be at risk for homelessness due to the economic conditions associated with the COVID-19 pandemic. With addition-

al crisis-related funding from federal and state sources, we have an opportunity to build strong and lasting partnerships to save lives and solve our community’s pressing humanitarian challenge of homelessness.

We ask that you call the hotline at 510-777-2100 to help us identify available housing units. Materials are available in multiple languages.

Key community partners on this initiative include Abode Services, East Bay Innovations and Bay Area Community Services. Property owners will have the extensive support and availability of these agencies’ staff in preparing apartments for occupancy, interviewing applicants, receiving timely payments, and taking care of the residents’ social and economic needs. These partner agencies have funding for furniture and reasonable improvements for client households, with the owner’s permission.

If you, or someone you know has a housing unit for rent, please call 510-777-2100 or email ACHomes@ac.gov.

SERVE AB 3088 NOTICE TO TENANTS

by September 30, 2020

By September 30, 2020, you must serve any tenant who did not pay some or all rent accruing between March 1, 2020, and September 1, 2020, the following notice in order to preserve your right to enforce collection of that rent:

“NOTICE FROM THE STATE OF CALIFORNIA: The California Legislature has enacted the COVID-19 Tenant Relief Act of 2020 which protects renters who have experienced COVID-19-related financial distress from being evicted for failing to make rental payments due between March 1, 2020, and January 31, 2021.

“COVID-19-related financial distress” means any of the following:

1. Loss of income caused by the COVID-19 pandemic.
2. Increased out-of-pocket expenses directly related to performing essential work during the COVID-19 pandemic.
3. Increased expenses directly related to the health impact of the COVID-19 pandemic.
4. Childcare responsibilities or responsibilities to care for an elderly, disabled, or sick family member directly related to the COVID-19 pandemic that limit your ability to earn income.
5. Increased costs for childcare or attending to an elderly, disabled, or sick family member directly related to the COVID-19 pandemic.
6. Other circumstances related to the COVID-19 pandemic that have reduced your income or increased your expenses.

California Assembly Bill 3088

This law gives you the following protections:

1. If you failed to make rental payments due between March 1, 2020, and August 31, 2020, because you had decreased income or increased expenses due to the COVID-19 pandemic, as described above, you cannot be evicted based on this nonpayment.
2. If you are unable to pay rental payments that come due between September 1, 2020, and January 31, 2021, because of decreased income or increased expenses due to the COVID-19 pandemic, as described above, you cannot be evicted if you pay 25 percent of the rental payments missed during that time period on or before January 31, 2021.

You must provide, to your property owner, a declaration under penalty of perjury of your COVID-19-related financial distress

attesting to the decreased income or increased expenses due to the COVID-19 pandemic to be protected by the eviction limitations described above.

Before your property owner can seek to evict you for failing to make a payment that came due between March 1, 2020, and January 31, 2021, your property owner will be required to give you a 15-day notice that informs you of the amounts owed and includes a blank declaration form you can use to comply with this requirement.

If your property owner has proof of income on file which indicates that your household makes at least 130 percent of the median income for the county where the rental property is located, as published by the Department of Housing and Community Development in the Official State Income Limits for 2020, your property owner may also require you to provide documentation which shows that you have experienced a decrease in income or increase in expenses due to the COVID-19 pandemic. Your property owner must tell you in the 15-day notice whether your property owner is requiring that documentation. Any form of objectively verifiable documentation that demonstrates the financial impact you have experienced is sufficient, including a letter from your employer, an unemployment insurance record, or medical bills, and may be provided to satisfy the documentation requirement.

It is very important you do not ignore a 15-day notice to pay rent or quit or a notice to perform covenants or quit from your property owner. If you are served with a 15-day notice and do not provide the declaration form to your property owner before the 15-day notice expires, you could be evicted. You could also be evicted beginning February 1, 2021, if you owe rental payments due between September 1, 2020, and January 31, 2021, and you do not pay an amount equal to at least 25 percent of the payments missed for that time period.

For information about legal resources that may be available to you, visit lawhelp.org. You may serve the notice in the manner prescribed by Section 1162 of the Code of Civil Procedure or by mail. Keep a record of your service of this notice.

The notice can be downloaded from the www.ebrha.com -> Member Login -> Rental Housing Forms -> Addenda -> AB 3088.

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
COMMUNICATIONS AS WE LEARN MORE.
BE WELL!**

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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

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

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

A CPI increase of 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%

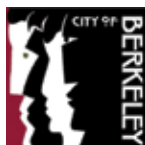
Beginning in 1998, adjustments are not allowed for the year following a tenant's initial occupancy. To obtain the maximum amount for a specific address, please use the "Rent Ceiling Database" calculator on Berkeley's Rent Board website.

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.



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